

WAKE FOREST
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Fall/Winter '85-'86,
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JURIST

THE CLINICAL PROGRAM

Students in the Courtroom



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The **Wake Forest Jurist** is published twice yearly by the Wake Forest School of Law of Wake Forest University. Its main purpose is to inform the friends and alumni of the Law School about activities and events of interest at the Law School, of recent important decisions by the courts of North Carolina and other jurisdictions, and news of the achievements and activities of fellow alumni. In this way the **Jurist** seeks to provide a service and a meaningful link between the School of Law and its alumni. Also, the magazine shall provide a forum for the creative talents of students, faculty and its alumni and an opportunity for legal writing by them. Opinions expressed and positions advocated herein are those of the authors and do not represent official policy of the School of Law.

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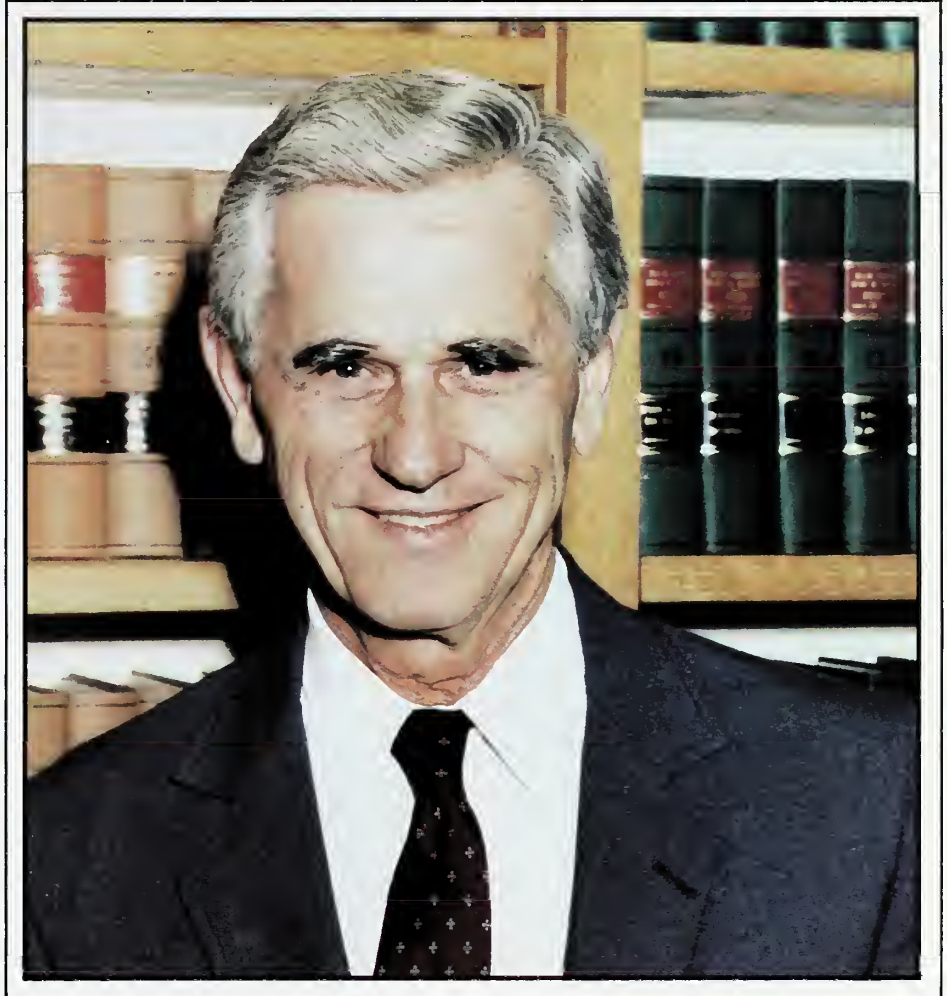
COVER PHOTO (By David Amundson) Clinical Student Bill Bird argues a point in a mock hearing before the Honorable Russell A. Eliason, U.S. magistrate, while adversary Susan Scott looks on.

A Message from the Dean

This year will almost certainly prove to be a benchmark in the history of the Wake Forest Law School. The 440 Plan has been adopted, and the first phases of the plan are already in place and are fully operational. Most noticeable, perhaps, is the new design for the first year class, which this year is divided into four sections instead of two. No first year student will have a class this year with more than forty-two students in it. Not only does this let us do some things, educationally, which cannot be done in large classes, but it helps tremendously in our efforts to maintain and enhance the close personal relationships both among the students and between the students and faculty which are the very essence of the Wake Forest tradition.

We began this fall with an entering class of 167, down from 181 last year, and we will continue this process until our total enrollment levels off at 440. Our applications and the quality of the applications were both up this year despite a continuing drop-off in the number of applications to law schools nationally for the third straight year, and our first year class so far appears to be an outstanding one.

To prepare for the changes called for in the 440 Plan, the Law Building underwent an extensive series of renovations during the summer and fall months designed to make the limited space available in Carswell Hall as efficient and as bright and attractive as possible. A little extra space was gained at the outset by moving approximately 12,000 little used volumes from the law library stacks to the old ROTC rifle range in the basement of the gymnasium. They are still accessible (if you can get by the ROTC sergeant in charge) and may continue to be counted as a part of our collection.



John D. Scarlett

This move enabled us to provide expanded and sharply upgraded space for our Admissions and Placement Offices, the Law Review, the Moot Court Board, and the CLE Program, and to provide office space for our new Associate Dean for External Affairs and several other new faculty and administrative additions. Classroom 209 (just outside the library on the second floor) was completely redesigned, rebuilt, and refurnished; room 14 (on the ground floor) was split down the middle and rebuilt as two classrooms, each holding precisely 42

students; and a new computer center was carved out of the stack area just off the library reading room.

The two student lounges will be refurnished and a new small "eating" lounge area will be provided in the old CLE program space on the ground floor. The University provided the funding for these renovations, and when they are completed we will have done just about all we can within the confines of the present building to provide the facilities support demanded by the 440 Plan.

Space remains at this point the single most serious problem which still confronts the Law School. Carswell Hall is one of the very smallest law school buildings in the country today for a school the size ours will be when our enrollment reduction is completed. Most newly built law school buildings have been designed with approximately 100,000 usable square feet. Carswell Hall has less than 40,000. Compounding the problem is the fact that the building was designed for legal education in the '50's, and the fact that it was built like a fortress and is extremely difficult to adapt to modern educational systems and techniques.

Added to these operational problems is the comparative strength of our competition. With a very few exceptions, every law school in the Southeast has built or completely rebuilt a new building within the last 10 or 15 years, and in an increasingly competitive law school world this is rapidly becoming more and more of a competitive disadvantage.

The University has appointed a series of facilities study committees to take a hard look at campus-wide space needs, since space problems are by no means limited to the Law School. These committees will report back later this fall, and priorities will be established for University building construction. There is at this point no doubt that if the Law School is to take its place beside the College and the Medical School as one of the finest educational institutions in the Southeast it must develop an attractive new physical plant designed to provide facilities required to support and enhance our modern day legal education program and the exciting new developments which we can already foresee down the road ahead.

Our Law School alumni continue to support the school in a truly outstanding fashion. The annual Law Fund campaign was once again a resounding success, this time under the leadership of Clark Smith, the current President of the Lawyer Alumni Association, with the support, encouragement, direction, prodding and guidance of Lyne Gamble.

In addition, we have received six major gifts during this period: a fund designed to provide an endowed chair in honor of Bess and Walt Williams, given by Fred Williams; a gift from the A.J. Fletcher Foundation which will permit us to double the number of Fletcher Scholarships which we award each year; the remaining portion of the

testamentary trust established by L.T. Grantham, which came to the University earlier this year when Mrs. Grantham passed away; a scholarship fund established by Glenn Tucker, who at the same time made a series of major gifts to other programs within the University; a scholarship fund established by Banks Finger in honor of former Dean Robert E. Lee; and a scholarship fund set up under the will of Henry E. White.

These gifts will have a substantial impact upon Law School resources. They reflect directly the mood of optimistic enthusiasm which is found today in all parts of our operation. The Law School is clearly on the move.



School of Law

Law School News and Features

The Clinical Experience A Student's Diary



photo by McCall

Bill Kriekard (left) with supervising Attorney S. Mark Rabil

Bill Kriekard, a third-year law student from Kalamazoo, Michigan, was a participant in the law school's clinical program during the fall semester. The following is a capsule of the diary he kept of his experiences in the program.

August 22, 1985

For the civil portion of my clinical assignment I have been assigned to Mr. S. Mark Rabil. The first thing Mr. Rabil, who works for the firm of Bowden and Rabil, told me was to "call me Mark." Within the first hour I was a legal witness to a will signing. Thereafter, we went to the hospital to get some medical records of a personal injury client of Mark's.

After lunch we went to the "Hall of Justice" in downtown Winston-Salem. Mark gave me a tour of the multi-storied building and also showed me how to file a lawsuit at the clerk's office. We then went up to Mr. Gordon Jenkins' office.

During the ensuing discussion Mark and Gordon started talking about the

Darryl Hunt murder trial, a case that they were appointed to in September 1984. The Hunt case has received extensive media coverage. My "civil" clinical attorney is also definitely involved in criminal defense.

August 26, 1985

Today the entire clinical class, 17 of us, assembled at the Hall of Justice to receive our first exposure to the District Attorney's office. Working for the District Attorney's office is my "criminal" clinical assignment. Mr. Bill Reingold is the member of the D.A.'s staff that will work most closely with us. He and Charley Walker, a Superior Court D.A., gave our class a lecture on the mechanics of trying a case.

How to try a case correctly is taught in Trial Court class. How to really try a case was taught to us today. My head was spinning by the time their lecture was over.

Arraigning defendants, plea bargaining, calling out the docket, and each District Court Judge's quirks

were some of the topics of discussion. Do I have to go through with this?

August 27, 1985

It was back to the courtroom today to participate in some trial simulations in front of Judge Gatto. He and two other attorneys critiqued us as we attempted to try such "complex" cases as stop sign and speeding violations.

August 28, 1985

Today we again did simulations, this time in front of Judge Burleson. I've decided it is hard to come up with a real hard hitting closing argument for your standard speeding case. As a class we did a lot better today.

September 3, 1985

Traffic court. When I got to court the D.A. was Walter Holten. There is always a real D.A. in attendance in the courtroom when we, the "baby D.A.s," are trying cases. After Walter was through trying the traffic court docket he went over to criminal court to bring me back some interesting cases to try.

My first case was an Assault with a Deadly Weapon. I had approximately 2 minutes from the time I knew I was going to try it to the time I was arraigning the defendant on the charge. Walter threw an element book at me, but of course the page on ADW was missing.

When I started panicking Walter reassured me by saying, "Just ask anything relevant about the assault and you'll hit the elements." Whenever I ran out of questions to ask, Walter would whisper a relevant question to me.

Later I won my first case, a "noise control" violation. One for two isn't that bad. Trying cases in District Court is not going to be as tough as I've been envisioning.

The courtroom is a zoo. Lawyers, policemen, and the D.A.'s are all wandering around talking. With close to 200 cases to get through per day the courtroom is becoming more of an assembly line than a place to levy individual justice.

September 5, 1985

Back in traffic court with Walter. I've discovered something about police officers. Before most every case I try in traffic court I go out in the hall and talk briefly with the police officer involved about the case. Police are not

out to "get" the average citizen as I always assumed they were.

The power hungry and abusive qualities that I thought the normal policemen possessed have not been confirmed by my experience in the Clinical Program. If the citizen is "cooperative" with the police officer, the officer goes out of his way to make this fact known when on the stand testifying.

Today I saw the converse of that scenario. An "uppity" lady who kept saying she should "be in Europe" was charged with failing to obey a no left turn sign. The young police officer told me in the hallway that this lady cursed out both him and the police chaplain, who was riding along with him that particular day. It was fun handling this "grudge match."

September 9, 1985

Get the circus tents out; criminal court today. My first case was a larceny where it was apparent right from the start what we had was an old boyfriend—new boyfriend confrontation.

I didn't have a chance to win this one. After the non-guilty verdict was correctly handed down, the old boyfriend asked me what to do now. Apparently my response of pressing charges against his old girlfriend didn't go over too great because the next thing I knew the two boyfriends were brawling in the back of the overcrowded courtroom.

A bunch of policemen went to break up the fight, and eventually all the participants were safely out in the hallway. The remarkable thing about this scenario is that Judge Burleson, Mr. Reingold, and the other lawyers in attendance didn't even pay any attention to the altercation.

You get the feeling that even if the Russians were attacking, District Court wouldn't miss a beat.

The next case was a probable cause hearing for possession of cocaine. The name on the docket was masculine, so when the person approached for his/her arraignment I was stunned.

Yes, I was now confronted with a transvestite: white stockings, long dangling earrings, and a voice reminiscent of Michael Jackson's. Normality is a rarity in criminal court.



photo by McCall

Bill Kriekard (left) and S. Mark Rabil

September 19, 1985

Criminal court. I'm finally feeling knowledgeable enough to answer questions when the citizens in the courtroom approach me. The fact that the people ask me questions tells me that I at least "look" like I know what I'm doing. In my first case, an assault, the complainant said under oath that he "wasn't sure" if the defendant was the man who hit him. Great.

My next case, a larceny, went equally bad. The combination of my forgetting that ownership of the item must be established and the fact that the complainant was obviously lying on the stand resulted in a convincing defeat.

September 20, 1985

Domestic court. This is the first time I've worked in a glassed in courtroom. Ms. Chitty, Judge Alexander's clerk, told me that originally the glass partition came about because of some incident with Angela Davis. Fighting over paternity and child support is sad.

September 23, 1985

Went to Yanceyville to the prison that Darryl Hunt is currently incarcerated in. Hunt has been convicted of first degree murder and sentenced to life imprisonment. His case is on appeal.

Since rumor had it that I was trying a case in Superior Court on Thursday

I asked Gordon and Mark for pointers on the drive up there. Gordon says the key to being a D.A. is to stretch out the word "reasonable" when explaining the State's burden of proof. Of course, the defense will always try to negate this by emphasizing "beyond" and "doubt" to the jury, thus making the burden of proof seem almost unattainable.

The prison that houses Darryl is located in the beautiful rolling hills of northern North Carolina. Instead of the expected gothic/horror exterior the prison in Yanceyville is a small brick structure which currently holds less than 100 inmates. The interior is what one would expect; bars, metal pipe doors, and pale yellow walls. It was strange talking to Darryl. Since I've seen him on television and in the paper for the last year I already recognized him.

He is a slightly built and soft spoken 20-year-old. He was polite and very likeable. He seemed to really feel comfortable around Mark and Gordon, and he accepted me immediately. Darryl understands the importance of the upcoming appeal, and thus listened with interest when Mark and Gordon explained their upcoming course of action. As we left, the guard grunted, "Come back when you can stay longer." The thought of having to spend an entire adult lifetime in prison is incomprehensible.

September 25, 1985

Met with Bill Reingold to discuss some evidentiary points. I've got to lay a foundation and get some photos into evidence. I then went to the police station to talk with Officer Owens, an old traffic court comrade, who was also the arresting officer in my Superior Court case. He said he wouldn't be much help for me since he arrived at the scene after-the-fact. I'm going to be the first clinical student to try a Superior Court case when I enter the courtroom tomorrow. Things might get a little "spontaneous" since I've basically only had 24 hours to prepare my entire case.

September 26, 1985

What a day. Mr. Reingold was more excited about my being thrown to the lions than I was. When I arrived



Third-year law student Lisa Caldwell practices her advocacy skills as Richard Moore awaits his turn to rebut.

downtown I only had a sketchy idea for my closing argument. The word finally came that my case would start at 2:00 p.m.

The defendant's counsel, Mr. Larry Fine, introduced himself and chatted briefly with me. While not directly coming out and saying it, he was pleased to find out that he was going against a "Baby D.A."

At 2:00 p.m. Mr. Fine wanted to discuss a plea bargain. We negotiated for 45 minutes without success, so back to the courtroom. Judge Washington was skeptical about the possibility of concluding the case before the weekend, a day and ¼ away, so he refused to call the case. By this time my young complainant was an emotional wreck.

She said she was "scared of courtrooms." I kept telling her I was supposed to be the one scared, not her. Heck, all she had to do was tell the truth, whereas I had to prove my ignorance in front of 12 jurors.

We eventually agreed to drop the charges if they would pay a certain amount of damages to the complainant. Sadly, all my preparation went into the dumpster when we took our plea bargained voluntary dismissal at 4:00 P.M.

September 30, 1985

After running a few errands downtown we did some investigative lawyering. First we went to the Deborah Sykes murder site. Mark explained what occurred there, and went over in detail the witnesses' testimony as it related to the site on which we were standing.

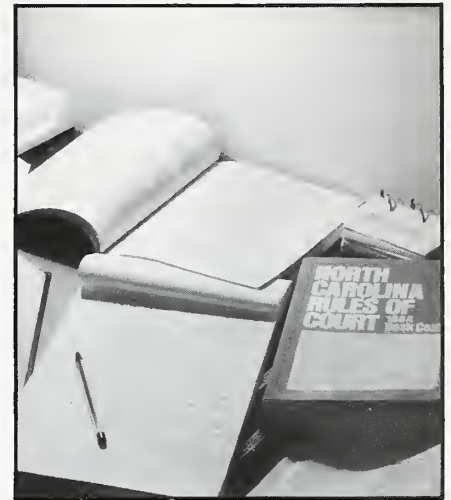
October 4, 1985

Today I was in criminal court with Walter again. I got to call most of the cases that were done in the first hour of court. It was different being the D.A. for an extended period of time. Since the continuances and guilty pleas are called first I didn't have to do much examining of witnesses during this initial period. Eventually I reached the not guilty part of the docket and I tried a couple of cases. After court Mr. Reingold gave me another Superior Court case to try. It is a larceny-assault case that is set for October 10.

Conclusion

These last seven weeks have been by far the busiest weeks of my law school tenure. I work approximately 25 hours per week in the clinical program while also trying to attend 9 hours of regular classes. While I attempt to do more than I can possibly accomplish, the experience I am receiving will make these hectic days worthwhile in the long run.

Wake Forest's Clinical Program is an excellent chance for a law student to apply the skills that will become his trade in the near future. I truly enjoy working with Mr. Rabil and the D.A.'s



office. My experience with them has given me the confidence to go straight from the classroom to the courtroom.

I know I speak for the entire clinical class in acknowledging the guidance and understanding that we have received from Dean Taylor, Prof. Carol Anderson, Bill Reingold, and all of our individual attorneys. Thank you all for not permitting our 3rd year to, as the old saying goes, "bore us to death."



The Clinical Program gives students the opportunity to go outside of the Law School Building to gain experience in the courts.

Clinical Program Provides Variety of Experiences

by Lisa Singer

The Clinical Program, headed by Associate Dean James Taylor, strives to provide third-year law students with concrete practical knowledge in the practice of law. Clinical students gain invaluable experience in both criminal and civil law through actual participation under the supervision of local attorneys.

Although the Clinical Program was begun in 1981, many significant changes have occurred under Dean Taylor's supervision which has shaped it into its present form. Dean Taylor stated that the two major goals of the program are (1) variety of experience and (2) participation rather than observation.

To assure that each student has a variety of experiences, Dean Taylor does several things. First of all, each student must do six weeks of criminal law in addition to civil law. This exposure to both areas of the profession distinguishes Wake's program from many other schools.

Dean Taylor also strives to provide a variety of opportunities for the participants. A student may work for a private firm, large or small, or he may be placed with the U.S. attorney's office, Legal Aid, or a corporation such as Wachovia.

Although each student is asked what his or her preference is, Dean Taylor makes the final placement decision. In deciding where the participants will be placed, he tries to place them where they will obtain the broadest experience possible. Thus, if a student has had clerking experience or a particular interest in a career in a large firm, Dean Taylor may choose a small firm for his clinical experience.

By placing students in areas where they are not as strong, Dean Taylor feels that they will become well-rounded lawyers. He says that most students have been happy with this type of exposure.

Dean Taylor also works hard to assure that his second goal, that of participation rather than observation,

is met. Participants try at least 15 cases in district court and at least one case in superior court.

In North Carolina, third-year law students are allowed by law to try misdemeanor cases under the supervision of a practicing lawyer. Thus, each participant receives actual trial experience.

The invaluable "hands on" experience offered by the program is what attracts many participants. The course is not easy. To earn four hours credit, each student puts in 10 hours a week in civil law and also attends two hours of clinical education classes in addition to a course load of approximately 10 to 12 hours.

For six weeks, each student must also put in 10 hours of criminal law in addition to the above requirements. The participants are also required to keep a journal of their experiences.

In spite of the rigorous demands, Dean Taylor says that there is no lack of enthusiasm on the part of the students, and in fact, most put in more than the required hours.

Although much of the success of the program is due to Dean Taylor's hard work and the enthusiasm of the students, Dean Taylor emphasizes that the support of Winston-Salem's legal community is also an essential component.

The attorneys are carefully selected by Dean Taylor and the clinical committee. Those who are selected understand that the student assigned to them is not a clerk, but is there to gain actual experience in practicing law.

The students are also reminded that the program is not a placement service. They cannot receive pay for their work, nor should they expect a job at the end of the program.

The Forsyth County bench has also provided crucial support by providing two additional weeks of Superior Court each semester. During this time, students try misdemeanor cases under the supervision of Donald Tisdale, the

district attorney.

The Clinical Program provides important benefits for both the participants and the law school. The participants gain invaluable practical experience. According to Dean Taylor, most firms are impressed by what the students know. They come out of the program familiar with depositions, interrogatories and first-hand trial experience.

As Dean Taylor stated, such students are "eligible to practice law and qualified as well." The addition of a clinical position at Wachovia last year has enabled students to gain corporate experience. Also, for the first time, two students will be placed with the U.S. Attorney's office, giving them exposure to the federal court system.

The impressive practical knowledge acquired by students benefits the school as well, according to Dean Taylor. He said that the Clinical Program is one positive factor which attracts the interest of firms that consider interviewing Wake students. The program also interests and impresses prospective students.

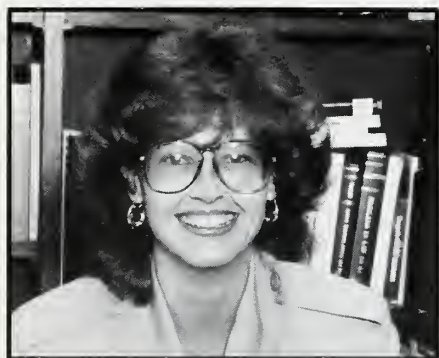
Dean Taylor believes that with the crucial and enthusiastic support of the legal community combined with the dedication of the students themselves, the Clinical Program will continue to prosper. In fact, each class has been filled to capacity.

As Dean Taylor stated, "How could it be a minus to know how?"

Under his direction, many students will leave the Wake Forest School of Law with invaluable practical knowledge, allowing them to confidently pursue their legal careers.

Lisa Singer is a second-year student from Greensboro and is the editor of the Law School News and Features Section.

Former Asst. D.A., Broadcaster Appointed to New Clinical Post



Carol Anderson

Carol Anderson brings an interesting background to her new position of assistant director of the Clinical Program.

Upon graduating from Duke University, she pursued a career in broadcasting in Charlotte. She found, however, that she was allergic to the make-up television broadcasters must wear.

She then decided to pursue a legal career and graduated from Duke Law

photo by Toole

by Peter Radiloff

School in 1980. She practiced law for one year in Morganton, N.C., before beginning a three-year tenure as an assistant district attorney for Forsyth County.

During her three years in the D.A.'s office, Ms. Anderson served as an adjunct professor for two years, and last spring, she ran the clinical program for the office. She said her current position was created in response to increased interest in the Clinical Program at Wake Forest.

In addition to her responsibilities to the Clinical Program, Ms. Anderson is teaching one section of Legal Bibliography. In her opinion, the clinical program at Wake Forest is the best she has ever seen. She said, "Many years of work on the program have made it fine tuned."

Peter Radiloff is a third-year student from Charlotte.

Push to Improve Student Placement Crosses State Lines

by Cliff Mount

Under the "gung-ho" direction of Associate Dean James Taylor Jr., the Law Student Placement Service at Wake Forest is being aggressively improved. Through increased out-of-state law firm recruitment, the chances of law students finding summer and full-time employment are on the rise.

As a result of the efforts of Dean Taylor and Placement Officer Diana Clarke, twenty new firms, seventeen from out of state, are visiting Wake Forest Law School this fall. Fifty-eight new firms are collecting resumes from our placement office. Dean Taylor identified the major source areas of these firms as Washington D.C., Atlanta, Richmond, Philadelphia, Houston, and Dallas. Some of the interested firms from Washington D.C. include the prestigious firms of Covington and Burling, Hogan and Hartson, and Patton, Boggs and Blow.

Dean Taylor's philosophy is not only



(left to right) Richard Goard ('73) and Tom Lee ('83) of the New York City firm of Brown, Wood, Ivey, Mitchell & Petty came to Wake Forest to interview students and meet with Associate Dean James Taylor

photo by McCall

to help students find jobs, but to place students in positions which match their full potential. He believes this obligation exists during three years of law school and continues even after one stops paying tuition. In fact, graduates may register with the Alumni Clearing House to keep

abreast of job opportunities once in practice.

The purpose of Dean Taylor's drive is to introduce previously unconnected law firms to Wake Forest and some of its special features. Dean Taylor identified the first-rate student body, the new, smaller first year classes, and also stressed the Clinical Program as some of these special features.

Dean Taylor now combines student recruitment trips with law firm recruitment searches. Normally he asks for thirty minutes of a partner's time while personally visiting firms. Taylor finds most firms are more than pleased to accommodate a law school dean, and usually something positive comes from these visits.

Some results of this recent push to expand student placement are that at the end of six months, eighty-nine per cent of the class of nineteen eighty five are working in the legal field. Dean Taylor also reported that one hundred per cent of the second year class had a law related clerkship during the summer of nineteen eighty-five.

North Carolina is still the major market for Wake Forest law students, says Taylor. Atlanta, Houston, Baltimore, and Washington D.C. are reported to be the next most popular locations.

Dean Taylor identified several ways in which the placement drive could be improved. First, he wants people to understand the seriousness of the push to improve Wake's placement program. His willingness to travel and meet with firms is sincere. Second, he feels students, alumni, parents, and friends of the law school can help. Current students and alumni are the school's best emissaries, and parents and friends could help develop their contacts in favor of Wake Forest.

Finally, Taylor urges attorneys, alumni, parents, and friends to be aware of some of the new features at Wake Forest School of Law. The Clinical Program, smaller first-year sections, and other features which can be found in "The Law School Today" fact sheet, being furnished to alumni, makes Wake Forest School of Law a vastly improved school over what it was fifteen years ago.

Cliff Mount is a second-year student from Bethesda, Maryland.

Law School Appoints P.R. Director

by Scott Wood Warren

The story of the Wake Forest University School of Law is an excellent one, and it is the job of Linda Michalski to tell it. Mrs. Michalski, who worked in the Clinical Program for two years, has been appointed to the new position of Director of Professional and Public Relations for the Law School.

In addition to her public relations duties, Mrs. Michalski also assists Associate Dean Taylor in coordinating the external affairs activities of the Law School.

Mrs. Michalski's position involves the difficult task of coordinating five important areas of the Law School: Placement, Admissions, Clinical Program, Continuing Legal Education (CLE), and Public Relations.

One way Mrs. Michalski is coordinating these areas is by consolidating alumni, and potential law students, and law firm out-of-town visits. This arrangement relates the activities of Admissions, Alumni Relations, and Placement in addition to making the trip by the law school representative more cost-effective.

The dissemination of information about the Law School is key to Mrs. Michalski's position. She said that it is important that faculty, staff, and students have a calendar of events to insure awareness of events such as law symposiums, moot court competitions, local bar events, and alumni events.

In addition, Mrs. Michalski alerts the Wake Forest University News Bureau of these events. She also keeps the Forsyth County Bar and members of the Winston-Salem bench and bar up-to-date on law school events.

Mrs. Michalski is also co-editing a new semi-annual newsletter, which is sent to all alumni. Entitled *Res Ipsa Loquitur*, the newsletter will complement *Wake Forest Jurist*, the



Linda Michalski

law alumni magazine, and will keep alumni informed as to administrative and external developments. Lyne S. Gamble, Jr., Director of Law Alumni Activities, is the co-editor.

Mrs. Michalski and her husband Joe have lived in Winston-Salem for six years. They have two children, 10-year-old twins, Joseph and Noell. Mrs. Michalski is currently serving as a P.T.A. president.

Scott Wood Warren is a second-year student from Spring Hope, North Carolina.

Professor Rose—A Man Tied to His Students and His Work

by Andy Krafur

Professor Charles Rose was the winner of the Wake Forest Jurist "Excellence in Teaching Award" for 1985. The recipient of the award is determined by a vote of the graduating class. Andy Krafur, a third-year law student from Southfield, Michigan, wrote the following tribute to Professor Rose, who also won the award in 1983.

To the casual observer at Wake Forest Law School, he is probably best known for an assorted collection of

wild neckties, a few of which hang proudly on the wall of his third-floor office. One of these is a red silk beauty with an embroidered handgun at the bottom, a byproduct of a contest held in the spring of 1984, when his criminal law section came to school clad in a myriad of ugly ties, and allowed Professor Rose to select his favorite.

But students fortunate enough to have been in that class, and in fact any class taught by Professor Charles P. Rose, quickly discover there is more to the man than his hideous neckties. In a word, he can teach. It is no wonder that just off to the left of a seven-foot monster tie hang two plaques; one for Law School Professor of the Year in 1983 and another for the year 1985.

What is it about Professor Rose which makes him such an outstanding teacher and so liked and respected by students? Perhaps it is the organized class lectures and discussions which invariably stimulate student interest. Maybe it is his reknowned review sessions, which seem to suddenly bring order out of chaos in the mind of the befuddled law student. Most likely, however, it is the care and concern he demonstrates for each and every student, in and out of the classroom setting.

"The most rewarding thing about teaching is dealing with students," he says. I think the opportunity to meet a number of interesting people over a period of years is a good opportunity, a great opportunity, and I enjoy that."

It is not simply meeting with students, however, that tends to make Professor Rose stand out, but rather the work he does with them.

"I very much like working with individual students, especially students having some trouble, and being able to work with that student, and actually see the student succeed or make some progress," he stated. "A teacher has to enjoy not only dealing with the brightest person assigned to him, but also he has to enjoy dealing with the person who is having the most trouble."

His concern for the individual student is probably best exemplified through his experiences teaching Legal Bibliography, the first-year course in legal writing and research:

"One of the nice things about teaching Legal Bib is that you can actually see students make some progress. One of my former students who became a teacher said that teaching Legal Bib is like teaching the first grade, because when students come in they don't know anything, but at the end of the year you can actually see progress, and that's a pretty rewarding thing."

Another of Professor Rose's rewards was his selection as teacher of the year by last year's third-year class. Their respect for him was quite evident. During last spring's faculty auction, for example, the most coveted item was Rose's famed 7-Up glass. Appraised at seventy-five cents, the bidding between two former third-year law students raised seventy-five dollars for the Jeff Williams-Jim Berkowitz Memorial Fund—no doubt due simply to the fact that the glass was once the property of Professor Rose.

Ever the teacher, however, Rose remembers that class for reasons beyond the sale of his glass: "I think classes tend to differ a little bit or to develop their own personality, and at least from my perspective or point of view, the class had an identification as a class. They did things together; they had a good time with their legal education; they helped each other out. They had a lot of spirit, and it's easier to teach a class with an identity."

The eldest of three children, Rose grew up outside of Cleveland. He attended the College of William and Mary in Williamsburg, Virginia, as an undergraduate, majoring in history. He then returned to Cleveland and attended law school at Case Western Reserve University. While waiting to enter the army JAGC program, Rose spent six months in the downtown office of Cleveland's Legal Aid Society, which he considered an "interesting experience."

Rose's first assignment in the Army was a teaching position in the Infantry School at Fort Benning, where he taught military justice subjects at the officer's candidate school. "I went to law school to avoid teaching," Rose recalled. "It was something a history major could do. But the Army assigned me to this teaching position and I loved it."

The Army then sent Rose to Korea for one year to try cases. Upon his return to the States, however, he was again assigned to a teaching position; this time at the JAGC School in Charlottesville, Virginia. As the lowest-ranking officer of the criminal law staff, Rose taught "everything that anybody else didn't want to teach."

Immediately after his stint with the Army, Rose returned to northeastern Ohio, this time to Akron University School of Law, where he taught remedies, agency and partnership, and criminal law. In 1972, after a year and a half at Akron, Rose accepted a position at Wake Forest. "Akron was a good experience, a fun place to work; the students were good," he said. But I came here because I knew Dean Bowman in the military and I thought the climate would be more attractive."

Rose has taught a variety of subjects at Wake. His early courseload included Remedies, Administrative Law, and Legal Bibliography. Gradually he acquired those courses he currently instructs, criminal law, criminal procedure, and evidence. Though it might appear difficult to maintain motivated to teach the same courses, Rose has little trouble staying enthusiastic.

photo by McCall



Professor Charles Rose

"A teacher has to be interested in the student," he asserted. "Somebody who is going to be good at teaching isn't going to be bored by the fact that he has to be teaching the same subject year in and year out, because even though it may be the same matter, it is a different group of learners. So each year it's a new job, a new task, a new goal."

Hopefully, the professor with the ugly ties will continue to set new goals, for himself and his students.

Recipients of Jurist "Excellence in Teaching Awards"

- 1979 I. Boyce Covington
- 1980 Dean Pasco M. Bowman
- 1981 Ralph Peebles
- 1982 I. Boyce Covington
- 1983 Charles Rose
- 1984 George K. Walker
- 1985 Charles Rose

Vivian Wilson and WFU — Decades of Love and Service

by Alison Wright

What Wake Forest lady has been here long enough to remember when Jimmy Sizemore was just a fun lovin', guitar strummin' law student? Why, Vivian Wilson, of course! Mrs. Wilson retired in April of 1985, after working for 25 years as the school law librarian.

Mrs. Wilson, originally from Hamilton, Ohio, met her husband Paul when she was an Assistant Librarian at Mars Hill College. Mr. Wilson was a student there, having just returned from service in World War II. They were married in 1948, and moved to

the old Wake Forest campus shortly thereafter. There, Paul Wilson finished his undergraduate degree and Mrs. Wilson worked as a cataloguing librarian in the undergraduate library.

Times were rather hard after World War II and college enrollment was high as the returning vets all sought to get their degrees. Housing was short on Wake's campus, so the school installed some water lines on an empty lot they owned and opened up a trailer park. At this park, the price was right. Rent (including water) was \$13/semester, and the only other expense was the electric bill which usually ran about \$1.50/month. It was at this park that Vivian Wilson met Jim Sizemore and Ed Wiggins.

"My trailer was at the bottom of the hill, and so was the community bathhouse," explained Sizemore, now Professor at Wake Forest University Law School. Most trailers were from before World War II and therefore had no toilet facilities, so everyone used the community bathroom. The Wilsons lived three trailers up from the Sizemores.

"Every morning at 7-7:30 a.m. Vivian Wilson would come scurrying down the hill on the way to the bathhouse, her head full of hair curlers," Professor Sizemore recalled. "Not long after would come Bob Bryant, a fellow law student, in a blue silk Japanese dressing gown and combat boots," he laughed.

There were approximately thirty trailers in the park, many of which were occupied by law students. Mrs. Wilson remembers how often the students got together for cookouts—usually once a week. As Professor Sizemore recalls, "the highlight of those cookouts was our homemade ice cream—we'd all bring some, and we'd have many different flavors to choose from: vanilla, chocolate, peach, and even blackberry. We'd have hot dogs and hamburgers, and roast marshmallows, too. James Bullock and I both played guitar, so we'd play a little and have sing-a-longs."

The Sizemores, Wiggins, and Wilsons got to be good friends during that time, and kept in touch even after all of them graduated and went their separate ways in 1952. The Wilsons moved and both of them taught 7th

and 8th grade at Aurelian-Springs School. Then Mrs. Wilson went to Roanoke Rapids High School in Roanoke Rapids, N.C. to be the librarian.

How did Mrs. Wilson become the law librarian at Wake?

"Well, it was 1960, and Prof. Sizemore and Prof. Wiggins were working there at the time and we were close friends, and when the offer came up, Dean Weathers called me. Within a period of a month or two, I was up here five times, each time telling Dean Weathers that I couldn't leave my home and community, which was where my husband grew up. The fifth time I came up the interview was from 2-4 p.m. on a Saturday afternoon. At 3:55 p.m. Dean Weathers stood up, shook my hand and said, 'Vivian, you will come.' So we came. You just couldn't say no to Dean Weathers."

Professor Sizemore explains Vivian's arrival as well:

"Ed Wiggins and I asked Dean Weathers to hire Vivian. Even though she did not have a law degree she was a librarian and liked Wake Forest. She decided to come, and in so doing gave up a beautiful old home in the country that was in Paul's family. From that they went to cruddy faculty apartments. She told Dean Weathers when she took the job that she would accept no increase in pay over what she was getting as a high school librarian. All this because she loved Wake Forest."



Vivian Wilson

photo by Wright

When Mrs. Wilson started working here she was the sole librarian for the law school. At this time there were eight professors in the law school, with one faculty secretary. The dean had two secretaries, one of whom Mrs. Wilson had for half a day.

"We functioned like that for a number of years," explained Mrs. Wilson. "I would sit at the desk out in the front. When you're the only librarian, you do everything: you order the books, catalog them, and supervise the circulation with student assistants." Although the work was hard, and resources were scarce, Mrs. Wilson tried to make the best of the situation.

"I would tell my secretary, 'Don't get discouraged, we're going to get everything done, it's just going to take time.'" She even found an appropriate cross-stitch exclaiming "some day we have to get organized." "Well," she laughingly explains, "after twenty-five years of work and five months at home, I still haven't gotten everything done!"

Mrs. Wilson attributes her devotion to Wake Forest and her work not to her enjoyment of her tasks but rather to the people she came in contact with.

"The students were delightful," she explained. I got to know every single one. With a school that small (it had 123 students when I started) you get to know the students and faculty very well because you're always with them. It was a really warm experience because everybody knew everybody. You knew if a law student needed some money, or clothing, or if there was an illness in their family, you knew what their needs were."

The library has changed quite a bit since Mrs. Wilson started working there.

"When I started we had about 30,000 volumes and increased at the rate of about 1000 a year. Now that we've added microfiche, I'm sure there are over 100,000 volumes." Actually the total number of volumes as of July 1985 is 186,254. When Mrs. Wilson started working, the law school was in the same building, but was much smaller. Since 1960 two annexes have been added on the once T-shaped building..

"It was such a pity to see the beautiful windows of the library and courtroom covered up," she recalled. "Being here as long as I have, I've

experienced the 25 years of the law school which I consider its best. I've also suffered through its growing pains," she added.

Professor Covington, who has been at Wake since 1977, knows Mrs. Wilson well. Every morning he and many others came into the library to get an early morning cup of coffee which Mrs. Wilson provided.

"There's just no more delightful woman in the world than Vivian," said Prof. Covington. "She's a woman of great charm, strength and professionalism. She's the kind of person that's willing to serve. One example of her devotion is the Wake Forest scrapbook. It came from her desire to have an ongoing record of the life of the law school. She still keeps that scrapbook, and probably will until she's not able to anymore."

At her retirement dinner, as a special gift, Professor Covington and a group of professors gave Mrs. Wilson a plaque making her a lifetime member of CABAL, Center for the Advancement of Basketball and Law. This was an outgrowth of the discussions that

would occur every morning in the library over a cup of coffee.

The Wake Forest team and its wins and losses would be discussed. As Mrs. Wilson stated, "I was truly delighted at the warm gesture made by these professors."

Professor Covington appreciates Mrs. Wilson for more than the coffee she always served in the library offices. Rather, it was her devotion to the school that impressed him.

"She has an abiding love of Wake Forest," he stated. "In that sense Vivian represents something that you don't see anymore. She approached work more as a calling than a job."

How does one summarize the kind of woman with a lifetime devotion like Vivian Wilson has? She's a woman who worked hard, often alone, to improve the law school library and its environment and atmosphere. She's a woman whose chief interest is always people. Perhaps Professor Covington said it best:

"I often run by Vivian's home on Faculty Drive, and I see Paul and her outside in the front yard talking with

the neighbors. That picture sticks in my mind as representative of Vivian and her lifestyle—like someone from the cover of the *Saturday Evening Post*—Vivian, the warm and friendly neighbor."

As to her present plans, Mrs. Wilson intends to spend time at home with her husband Paul (also retired) and son James, who works as an assistant in the law library. She enjoys needlepoint and has joined a weekly class to keep her busy.

"Of course," she says, "I will continue to go to every home football and basketball game, and I'll continue to keep up with the scrapbook and what's going on with all the law school graduates."

Of course, what else would one expect from Vivian Wilson, one of Wake Forest Law School's most loyal fans?

Alison Wright is a second-year student from Clinton, Ohio.

CLE Has Busy Slate

by Paul Turney

The Wake Forest Continuing Legal Education (CLE) Program is maintaining a steady pace in providing successful and well-received seminars and programs. The fall 1985 schedule centered on a very successful Fifth Annual Review which was recently completed in Charlotte, N.C. In addition, other WF-CLE programs provided information in the areas of real property practice and negotiations and settlements.

Two additional achievements of WF-CLE's fall activities include a revised *Real Property Handbook* and the WF-CLE's 2nd Regional Program, a symposium on personnel law. According to Mr. Lloyd K. Rector, director of WF-CLE, the handbook has proven to be extremely valuable in the practice of law. He further stated that the symposium, which has been held in Washington, D.C., Orlando at the Epcot Center, and Atlanta, has received many accolades from those who have attended.

The spring schedule may prove to be even more successful than its fall counterpart. An exciting lineup of events includes three state programs and a regional program. The state programs will offer information on current trends and thoughts in the

areas of products liability, collection and enforcement of judgements, and damages in personal injury cases.

Paul H. Turney is a second-year student from Salisbury, North Carolina.

WF-CLE SPRING SCHEDULE

Portraying & Defending Personal Injury Damages

- () March 14, 1986 — Raleigh (Live)
- () March 21, 1986 — Winston-Salem (Video; Portions Live)
- () May 9, 1986 — Asheville (Video)

Employment Law Issues 1986

- () April 3-4, 1986 — Washington, DC. (Live)
- () April 24-25, 1986 —
- () May 24-25, 1986 — Kiawah Island (Live)

Products Liability Practice

- () April 18, 1986 — Raleigh (Live)
- () April 25, 1986 — Winston-Salem (Video; Portions Live)
- () May 2, 1986 — Charlotte (Video)

Collection & Enforcement of Judgments

- () May 16, 1986 — Raleigh (Live)
- () May 30, 1986 — Winston-Salem, (Video; Portions Live)
- () June 6, 1986 — Asheville (Video)

New Librarian Stresses Research

by Tom Roth

One new face at the Law School this year is that of Tom Steele. Professor Steele is the new Director of Library Services. He arrived here from Oxford, Mississippi and Ole Miss where he was the director of the law library.

He is intent upon making the Wake Forest Law Library an efficient source of information and Wake Forest students efficient users and finders of that information.

Tom Steele was born in Bartlesville, Oklahoma; the son of a lawyer, he originally intended to become a Professor of History. A 1969 graduate of Oklahoma State University, he studied both history and library science at the University of Oregon receiving his Master of Library Science in 1974. Realizing that life as a librarian could be akin to that of a church mouse and that he enjoyed teaching, Professor Steele decided to attend law school. He received his J.D. from the University of Texas in 1977.

The program which is already in operation and which many law students are taking advantage of is the Reference Program. This is a series of seminars on various special research areas, including: tax law, federal legislative history, federal government documents, federal labor law, and citation method.

Courses on the use of Westlaw and the student word processing equipment were also being offered. In addition, Mr. Steele conducted a six-week legal bib refresher course for any interested students.

There is more to our new library director's life than books. He is married and is the father of four small children. His wife is completing her Ph.D. in Political Science from the University of Mississippi and works as Public Librarian in King, N.C. Mr. Steele enjoys fishing, particularly trout fishing and claims that he was probably the only member of Trout Unlimited in the State of Mississippi.

His major avocations are in the area of farming; he describes it as gardening, but he raised five acres of

corn last year. He has also raised fourteen cattle in the past few years. They were raised on the bottle and were fed grain grown by Mr. Steele. The end result is sold as gourmet beef. He is active in the community and is helping to start a Boy Scout Troop near his home in Tobaccoville.

Tom Steele seems to be very much interested in helping the students here and in listening to their suggestions or complaints. He keeps a Blue Suggestion Book at the library desk. The book is a receptacle for student suggestions and complaints and contains space for Mr. Steele to respond to each comment.

Tom Roth is a third-year student from Winston-Salem.



Tom Steele

440 Plan Takes Effect

by Anthony Ehler

This fall marks the initial stage of the law school's "440 Plan"—a project designed to guide Wake's development. A primary objective of the plan is a reduction in the size of the student body from 500 to 440. Strides toward this goal have brought changes to the law school already.

In accordance with the "440 Plan" for gradual reduction in the student body, this year's 1L class has only 169 men and women—ten less than last year's. Average 1L's GPA and LSAT scores are the highest of any entering class in recent years. Associate Dean Kenneth Zick attributes this rise to the higher degree of selectivity the law school employed in last year's admission process as well as a 14% increase in the number of applicants. Dean Zick noted the 14% increase took place when nationwide law school applications dropped 19%, an increase he believes partly reflects renewed

attractiveness brought to Wake by the "440 Plan."

Hand-in-hand with Wake's reduction in the student body is the reduction in the student-teacher ratio. The first year class is divided into four sections instead of the traditional two sections. This allows for an approximate student-teacher ratio of 40:1, second only to Yale's.

The smaller class size has produced noticeable improvements in class discussion according to 1L Professor I.B. Covington. He added "the smaller class size results in less apprehension about asking questions which tends to stimulate discussion." Prof. Covington also noted the increased classroom discussion allows professors to better monitor student understanding. Prof. Covington hailed the smaller class size under the "440 Plan" as "thoroughly enjoyable." *Anthony Ehler is a second-year student from Sidney, Ohio.*

Business Courses Added

by Debi Jarrell

Pursuant to the mandate of the Law School's 440 Plan to up-grade the business curriculum, three new courses were added this fall. These courses are Banking Law, Real Estate Finance, and Business Drafting.

Banking Law includes study of many traditional banking regulation questions. The purpose of the Business Drafting course is to familiarize students with the various legal instruments prepared by business lawyers.

The Real Estate Finance course focuses on financing complex real estate transactions, including tax consequences and drafting exercises.

These courses have been added as the beginning of the expansion of the corporate curriculum. Because of the popularity of these courses, especially the Business Drafting course, several more business law courses may be added.

In addition, the administration is presently considering the creation of another faculty position within the corporate curriculum.

Overall, the new business curriculum has been a success and will most likely continue to expand in the future.

Debi Jarrell is a second-year student from Winston-Salem.

Black Student Group Starts Scholarship Fund

by Andre K. Flowers

In an effort to increase minority enrollment at the Wake Forest University School of Law, the Black Law Student Association (BLSA) decided in 1984 to charter a scholarship for a black student entering the Wake Forest University Law School. The goal of the Black Law Student

Association is to obtain a large enough endowment so that the scholarship will become perpetual. The scholarship fund is subsidized through contributions and through an annual scholarship banquet.

The first scholarship banquet was held on February 15, 1985. Mr. Julius Chambers, Director of the NAACP Legal Defense Fund, was the keynote speaker. The banquet also served as a forum to honor three North Carolina judges—Justices James A. Beaty, Jr., Richard C. Erwin, and Roland H. Hayes.

The Black Law Student Association is making plans for the next scholarship banquet which is tentatively set for February 1986.

Andre K. Flowers is a second-year student from Wadesboro, North Carolina and is Vice-President of BLSA and Chairperson of the 1986 Scholarship Committee.

Students Study Origins of Law on London Trip

by Leslie Hitchings

On Monday, May 27, 1985, eleven newly rising 2Ls embarked on an intensive survey of the history of early common law. And what better place to begin than England? Under the direction of Professor James E. Sizemore, these students lived and studied in the Worrell House in London, owned by Wake Forest University. "The purpose of the program," said Sizemore, "is to acquaint students with as much English legal history as possible, and perhaps just as important, to acquaint them with the sources of such history."

And to the sources they went. Besides going to the Old Bailey and the Royal Appellate Courts, the students received instruction from such renowned legal historians as John Baker, of Cambridge University; Albert Kiralfy, the editor of the *Journal of Legal History*, and professor at King's College, University of London; A.D.E. Lewis of Pendbrooke, University of London; Paul Brand, professor at

University of Dublin; and Susan Reynolds of Oxford University.

Was the program a success? The students who participated agree that it was. "The course was even more valuable than I'd hoped," says one student. "Many of today's legal concepts are much clearer after studying their origins. And, we had a good time!"

Leslie Hitchings is a second-year student from Toms River, New Jersey, and was a participant in the 1985 Worrell House Summer Program.

Panel Discusses Ethics in the '90s

by Aleta Kiser and
Julia Davison

On October 9, 1985, the Law School sponsored a symposium entitled "Lawyers' Ethics in the 1990's: The Role of Truth in the Adversary Process." The speakers included Professor Monroe H. Freedman, Michael Franck, the Director of the State Bar of Michigan, and Robert A. Wicker, a North Carolina attorney.

Monroe Freedman is a Professor and former Dean at Hofstra University School of Law. Along with teaching courses on professional responsibility, he is the author of various works in the area, including *Lawyers' Ethics in an Adversary System*. He was a Fellow in the Ford Foundation in Legal Ethics and has made many scholarly contributions on how a lawyer best serves the adversary system.

Together with his duties as Director of the State Bar of Michigan, Michael Franck is also the chairman of the American Bar Association's Special Committee on the Implementation of Professional Rules of Conduct. Having chaired the ABA Standing Committee on Professional Responsibility and served as a reporter for the Special Committee on the Evaluation of Disciplinary enforcement, he has been instrumental in promoting the Model Rules of Professional Conduct.

Robert A. Wicker is a partner in the law firm of Smith Moore Smith Schell and Hunter in Greensboro, North Carolina. He was a member of the North Carolina Bar's Special

Committee to rewrite the Code of Professional Responsibility. The Committee's work led to the October 7, 1985 adoption by North Carolina of a revised version of the ABA's Model Rules of Professional Conduct.

Professor David A. Logan of the Law School provided opening remarks and introduced the panel. Each panelist briefly furnished background information relevant to the issue of professional responsibility. Mr. Franck told the history and status of the Model Rules of Professional Conduct. Mr. Wicker detailed the North Carolina adoption of the Model Rules. Professor Freedman gave his personal views of the lawyer's responsibility in the adversary system.

After the speakers made initial comments, each provided his views in more detail by examining the ethical issues in two hypothetical problems. The first dealt with ethical issues in the Family Law Setting; the second with ethical issues and Fees from the Criminal Defendant.

The debate centered upon whether the new Model Rules are actually an improvement over the pre-existing Code of Professional Responsibility still in use in a majority of the states.

Mr. Franck stressed that ethical issues are based in policy and have no right or wrong answer. Mr. Wicker stated that the Rules are an effort to police our own profession, although each attorney will bring his own personal ethics to the practice of the Rules.

Professor Freedman felt that the Rules do not provide adequate guidelines to assist practicing attorneys. He pointed to several flaws he perceives in the new Rules. For example, the Model Rules virtually ignore prosecutorial conduct. Further, they fail to provide adequate guidance in regard to client perjury and pre-trial publicity, according to Freedman.

The three speakers seemed to agree that the adoption of the new Model Rules of Professional Conduct will not resolve all of the ethical conflicts that today and tomorrow's attorneys will encounter in the adversary system. *Aleta Kiser is a second-year student from Greensboro and Julia Davison is a second-year student from Farwell, Michigan.*

News Briefs from Carswell Hall

First-Year Demographics

The first-year class has an enrollment of 168 students. Their average LSAT score and GPA were 36.2 and 3.20, respectively.

The students represent 87 colleges and 25 states. North Carolina has the greatest number of students with 85, followed by Virginia (13), Michigan (12), Florida (11), and Ohio (8).

Colleges with the largest representations are Wake Forest, UNC-Chapel Hill, Albion (MI), Alma (MI), Duke, Washington and Lee (VA), Virginia, Emory (GA), and UNC-Greensboro.

Law Day

The annual Law Day banquet is scheduled for Saturday, March 22.

Law Review

The law review publishes a legal periodical four times a year. Invitations to join are extended to approximately one-fifth of the rising second year class. Half of these students are invited because their grades place them in the top 10 percent of their class. The rest are selected on the basis of their writing ability; a writing competition is conducted during the summer.

Although this year's staff inherited a one-year backlog, two books should be published by Christmas. Future issues will include articles on the Federal Rules of Civil Procedure, Gender Equality and Education, and the new North Carolina obscenity statute (by one of the drafters of the law, Assistant U.S. Attorney H. Robert



David Rea ('80) plays in Annual faculty-Student Softball game

Showers of Raleigh). In addition to these articles, future issues will contain student notes and comments on recent case and statutory law.

Moot Court Competitions

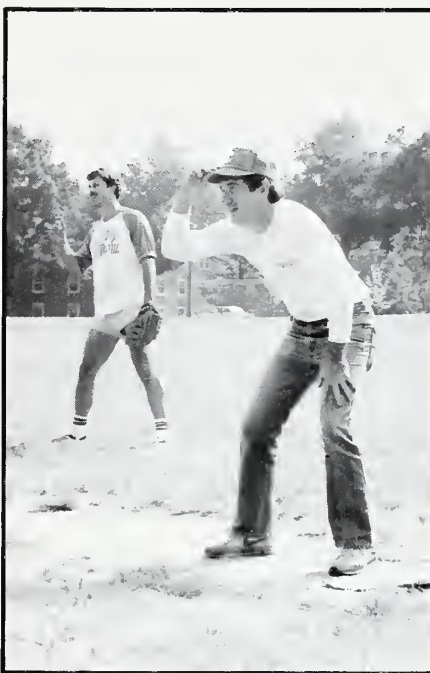
Wake Forest Law School continued its successful moot court competition record in the 1984-85 school year as its national team participated in the national finals. The 1985-86 national team won best brief honors in the regionals on November 23.

Moot court teams from Wake Forest also made fine showings in the following competitions: International Law (third place in Southern Regional held at WFU); Labor Law (undefeated in oral competition); William & Mary (semi-finalist); and Frederick Douglas (national finalist in competition sponsored by Black Law Students Association).

Law Students Civil Liberties Chapter

The Law Student Civil Liberties Chapter (LSCLC) is an organization of Wake Forest law students which exists (1) to promote greater student and public awareness of civil rights issues; (2) to provide students with an opportunity to assist civil liberties attorneys with research and brief-writing; (3) to promote student involvement in, and coordinate activities with, the Winston-Salem chapter of the North Carolina Civil Liberties Union; (4) to provide students with an internship program in the field of civil rights through affiliation with the Law Students Civil Rights Research Council, Inc.

Since its inception last year, LSCLC has participated in a panel discussion on school prayer at a Winston-Salem church, a civil liberties symposium at Campbell University, a pornography debate between Professor James Bond and the Reverend Coy Privette, and has sponsored a speaker on the Klan-Nazi shootout in Greensboro.



Butch Covington (front) and Mike Batts

Environmental Law Society

The Environmental Law Society organizes rafting, hiking, and camping trips; conducts research on environmental legal issues; and presents informative seminars. Recent events include a rafting weekend and an acid rain debate.

Delta Theta Phi

A new law fraternity has been established at the law school—Delta Theta Phi. The new fraternity has concentrated on serving the community through its participation in the Forsyth Court Volunteers program.

Members of Delta Theta Phi have supervised crews of citizens performing court-ordered community service and have volunteered their time to work one-on-one with juvenile offenders.

Women-In-Law

Women-In-Law attempts to deal with the issues raised by women's increased participation in today's legal society. Activities for this year's men and women members include fall and spring gatherings at the Corners,

volleyball and basketball intramural teams, an exam seminar for 1Ls, a panel discussion on balancing career and family, a spring D-W-I Presentation and a Pig Pickin' in March.

Phi Delta Phi

Phi Delta Phi, the international legal fraternity, kicked off the year with a very successful rush program. For the first time, the fraternity was allowed to accept 1Ls as provisional members. Besides accepting 20 new members, other exciting Phi Delta Phi activities have included a football game and other social events.

The fraternity also sponsored a golf invitational which was open to the school. An alumni reunion tailgate at the UVA-Wake game proved so successful that the fraternity hopes to make this an annual event.

Law School Sports

Law school teams continued to dominate WFU Intramurals as they won campus-wide championships in the following sports in 1984 and 1985: men's basketball, women's water polo, weightlifting, wrestling, men's football, women's tennis, men's tennis, men's and women's golf, women's table tennis, and co-ed softball.

The SBA sponsored three intra-law school competitions in the fall: a popular all-day softball tourney, the annual faculty-student softball game, and Race Judicata.

A combination 3L and 1L team, Murphy's Lawyers, survived the 90-plus temperatures to win the SBA co-ed softball championship in September to earn the right to face the faculty.

The noticeably all-male faculty team was bolstered by the presence of alumni members of the "Cardinals" intramural team of the late '70's. Sparked by the daredevil baserunning of Prof. Don "Vince Coleman" Castleman, the Faculty came from behind to gain an 8-8 tie with Murphy's Lawyers.

Dean Don "Lefty" Scarlett turned in the defensive gem of the afternoon by

photo by Toole

tracking down a long fly at the warning track in center field.

Other faculty participants included Miles Foy, Tom Steele, Butch Covington, Tom Roberts, Joel Bunkley, and pitcher Buddy Herring. Pat Roberts was available for pinch-running duties.

Alumni players were J.E. Warren III ('80), R.F. Combs ('78), D.B. Rea ('80), D.H. Jones ('80), A.R. Tarleton ('80), and D.A. Boone ('80).

In the annual 3.1 mile road race, Race Judicata, second-year Jeff DeMatthew took the crown with a swift 15:41 time, followed by 2-L and '84 winner, John Middlebrook, and 3-L and '83 winner, Andy Krafur.

Prof. Butch Covington was the only male faculty member to compete, but he turned in a fine effort, taking fifth-place in the 60-runner field. Covington had tuned up for Race Judicata 12 days earlier by finishing the New York City Marathon 26-mile, 385-yard jaunt through the five boroughs in 3 hours, 27 minutes. Prof. Covington's wife also ran, finishing in 4:07.

Prof. Pat Roberts continued her unbeaten streak in the women's division of Race Judicata, setting a course record for women. Prof. Suzanne Reynolds also ran a good race.

Sports Law Group Plans Symposium

A group of Wake Forest Law School students have organized the Sports Law Association, a new student organization which will focus on the growing field of sports law.

The Sports Law Association will provide information to its members regarding careers in sports law and will serve as a forum for discussion regarding the appropriate relationship between the legal system and organized athletics.

Williams-Berkowitz Memorial Fund to Benefit Library

by Lee Cecil

The Jeff Williams-James Berkowitz Memorial Library Fund, established in October of 1984, now has a value of

approximately nineteen hundred dollars, according to Director of Library Services Thomas Steele.

The fund was instituted by resolution of the Student Bar Association as a memorial to Jeff Williams and Jim Berkowitz, two members of the Law School Class of 1986 who were killed in separate automobile accidents in the fall of 1984.

Proceeds from the fund are to be used to purchase books for the Law School Library. All books will be identified as having been acquired through the Jeff Williams-James Berkowitz Memorial Library Fund.

The fund is supported by contributions from the deceased students' parents, the Law School Faculty, students, and alumni.

Anyone interested in contributing to this memorial fund may send a donation to: The Jeff Williams-James Berkowitz Memorial Library Fund, Wake Forest University School of Law, P.O. Box 7206, Winston-Salem, N.C. 27109.

Lee Cecil is a second-year student from High Point.

Bond, Privette Debate Need for Porn Legislation

by Jon Austen

On April 11, the Wake Forest Federalist Society sponsored a debate on pornography between Professor James Bond and Reverend Coy Privette. The debate opened with the showing of two short pornography movies to a packed courtroom in the law school.

Rev. Privette, a representative in the North Carolina General Assembly, opened the evening by praising recent steps taken by the federal courts and state legislatures to restrict pornography. Rev. Privette stressed the need for stronger legislation in North Carolina, labeling it the "smut capital of the U.S."

Rev. Privette, who is the Executive Director of the Christian Action League of North Carolina, stated that North Carolina is the leading state in the "six billion dollar industry" of child

pornography, and that organized crime profits heavily from pornography.

Rev. Privette warned that the danger in pornography is that people are influenced into acting out what they see. According to Rev. Privette, people become addicted to pornography, their desire for it then escalates, they become desensitized to it, and then act it out.

He cited a recent University of Southern California study in which 51% of a group of males exposed to pornography stated that they would commit rape if they could get away with it. The saying that "nobody's ever corrupted by a dirty book" is false, said Rev. Privette, since we are influenced by constructive books.

James Bond, a professor of constitutional and criminal Law, defended an individual's freedom to decide, noting that "the right to choose distinguishes you as a human being." Prof. Bond argued that suppression of pornography violates an individual's right to hear and see what he wants.

Pornography injures no one, does not cause sickness and does not lead to the abuse of children, stated Bond. He cited the 1970 President's Commission on Pornography and Obscenity which found "no evidence" that pornography plays a significant role in these violent crimes.

Professor Bond asserted that suppression destroys our freedoms, is inefficient, discriminatory and leads to corruption. Bond warned that those who regulate may do so by persecuting the unorthodox and may suppress all non-conformists.

He cited as examples communities which have attempted to ban *Huckleberry Finn* as racist, *Slaughterhouse Five* as vulgar, and *Tarzan* because he was not married to Jane. Bond stated that in few areas of the law has society paid so much for inefficient, discriminatory, and corrupt laws.

Rev. Privette is a graduate of Wake Forest and the Southeastern Theological Seminary.

Professor Bond, a graduate of Wabash College and Harvard Law School, has been a law faculty member since 1974.

Jon Austen is a third-year student from Madison, Ohio

The Use and Misuse of the Business Judgment Rule in the Close Corporation*

Ralph A. Peeples**

The business judgment rule occupies a venerable position among corporate law principles. The rule is uniformly noted in major law school casebooks and hornbooks¹ and is cited frequently by the courts.² The business judgment rule invariably appears in any distillation of general corporate law.³ However, this piece of "black letter law" is under assault today from courts and commentators alike. Critics have questioned both the vitality and validity of the rule. The challenges have been sporadic and less than successful, but persistent nonetheless.

I. The Business Judgment Rule in Theory and Practice

Although arguably codified by the Model Business Corporation Act, the business judgment rule is derived from the common law. Justice Brandeis recognized and described the rule in 1917.⁴ Various commentators have traced the use of the rule to the late nineteenth century, and possibly even to the Civil War era.

In its narrowest form, the business judgment rule determines judicial conduct. Application of the rule requires judicial deference to corporate decisions and thus non-interference by the court. Not surprisingly, confusion

has arisen about the rule's contents.

The many versions of the rule⁵ and the resulting confusion have not gone unnoticed. Both commentators and courts have deplored the inexact and expansive language that frequently is used to describe the purpose and functions of the business judgment rule.

Consensus as to the effect of the rule is easier to establish than is agreement about the circumstances which trigger the rule's application. Application of the rule results in judicial deference to corporate decisions satisfying the particular court's criteria for the rule's invocation. In practice, the rule operates as a rebuttable presumption in favor of the corporation's officers and directors.

Disagreement and confusion arise over the criteria required to trigger the rule. "Independence," "good faith," "informed judgment," and "rational basis" appear frequently as requirements for applying the rule, but usually are not defined. Requirements to defeat the presumption, such as a showing of "gross and palpable overreaching" or of "clear and gross negligence," occasionally appear as well. The requirements are sometimes stated in negative terms: the business judgment rule may be invoked "in the

absence of evidence of bad faith, fraud, conflict of interest, or illegality." Both courts and commentators have noted this definition problem. In *Aronson v. Lewis*, the Delaware Supreme Court attempted to restate the rule and its function:

It is a presumption that in making a business decision the directors of a corporation acted on an informed basis, in good faith and in the honest belief that the action taken was in the best interests of the company. Absent an abuse of discretion, that judgment will be respected by the courts. The burden is on the party challenging the decision to establish facts rebutting the presumption.⁷

The *Aronson* court recognized significant limitations to the rule. First, the rule protects only "disinterested" directors; thus, independent judgment is assumed. Second, the rule protects only directors who make informed decisions based on all available material information. Third, the rule protects only "decisions." The business judgment rule does not shield dereliction of duty. The limitations noted in *Aronson* are hardly revolutionary. The court's recognition of these restrictions, however, is significant.

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1 See, e.g., H. BALLANTINE, BALLANTINE ON CORPORATIONS 161 (1946); W. CARY & M. EISENBERG, CASES AND MATERIALS ON CORPORATIONS 537-53 (5th ed. 1980); 3A W. FLETCHER, CYCLOPEDIA OF THE LAW OF PRIVATE CORPORATIONS § 1039 (rev. perm. ed. 1975); R. HAMILTON, CASES AND MATERIALS ON CORPORATIONS 695-714 (2d

ed. 1981); H. HENN & J. ALEXANDER, LAWS OF CORPORATIONS 661-63 (3d ed. 1983); 1 G. HORNSTEIN, CORPORATION LAW AND PRACTICE § 437 (1959).

2 See, e.g., cases collected in W. FLETCHER, supra note 1; H. HENN & J. ALEXANDER, supra note 1; G. HORNSTEIN, supra note 1.

3 See notes 1-2 supra. The importance of the business judgment rule is reflected in the efforts of the American Law Institute to draft a codification of the rule to function as a "safe harbor" for officers and directors. PRINCIPLES OF CORPORATE GOVERNANCE: ANALYSIS AND RECOMMENDATIONS (Tent. Draft No. 3, 1984) comment to § 4.01(d) at 54-55 [hereinafter cited as PRINCIPLES OF GOVERNANCE].

4 Justice Brandeis stated:

Whether or not a corporation shall seek to enforce in the courts a cause of action for

damages is, like other business questions, ordinarily a matter of internal management and is left to the discretion of the directors, in the absence of instruction by vote of the stockholders. Courts interfere seldom to control such discretion *intra vires* the corporation, except where the directors are guilty of misconduct equivalent to a breach of trust, or where they stand in a dual relation which prevents an unprejudiced exercise of judgment. . . .

United Copper Sec. Co. v. Amalgamated Copper Co., 244 U.S. 261, 263-64 (1917).

5 Many versions of the business judgment rule are presently in circulation. They illustrate the ambiguities the rule embodies. Compare, for example, the following descriptions:

[A] court will not disturb the judgments of a board of directors "if they can be attributed to any rational business purpose."

Where corporate actions satisfy these criteria, the business judgment rule has a significant result: a relaxed standard of review. The *Aronson* court "predicated [liability] on a standard which is less exacting than simple negligence."⁸ Conduct equivalent to "gross negligence" would have to be established to defeat the presumption. Thus, under the *Aronson* restatement, the business judgment rule functions as more than a rebuttable presumption or a rule of judicial behavior. The rule also establishes a standard of conduct for officers and directors.

As *Aronson* suggests, applying the business judgment rule adversely affects a plaintiff's chance for success. Plaintiffs therefore typically strive to avoid the presumption. The most common rebuttal to a defendant's reliance on the business judgment rule is an allegation of lack of independence, usually a claim that the defendant had an "interest" in the transaction. "Interest" quite often translates into "self dealing." When interest is established, the burden shifts to the defendant to establish the "intrinsic fairness" of the challenged transaction. Thus, the presence of interest prevents the application of the rule because "the business judgment rule' yields to the rule of undivided loyalty."

The burden of proving lack of good faith, or independence, or the existence

of gross negligence, is substantial.⁹ Several rationales are commonly advanced to justify the rule's apparent bias towards management. First, the observation that courts are not competent to make, much less to second-guess, business decisions is often cited as a justification.¹⁰ The business judgment rule has been analogized to the standard of care for professionals such as doctors, lawyers, and accountants.¹¹ Second, courts often observe that directors need broad discretion to function effectively.¹² Courts have stated that managerial risk-taking must be encouraged and that honest mistakes must not be condemned.¹³ Third, concern that qualified managers would not serve as officers and directors without judicial nonintervention arguably justifies the rule.¹⁴ Finally, the rule allegedly discourages frivolous litigation and therefore promotes both judicial and business efficiency.¹⁵

Underlying all of these plausible rationales, however, is a more basic premise which is less frequently recognized. The business judgment rule becomes relevant when a shareholder sues a manager. Courts have deferred to managerial decisions because of the assumption that a shareholder has an alternate course of action: selling the interest in the corporation. If the assumption of an available alternative is accepted, the plaintiff's position arouses less judicial

sympathy. The courts presume that with a free and efficient capital market, the economic remedy is more efficient than the legal remedy. The market would not only redress an individual injury, but also regulate management conduct more efficiently. In short, judicial deference to managerial decisions is based on an assumption of stock liquidity. Relaxed review would make sense only if the court assumed that a shareholder has an economic remedy.¹⁶

In summary, the business judgment rule in practice operates both as a restraint on judicial behavior and a standard of managerial conduct. The rule is properly invoked only when an independent and informed board of directors has made a decision in good faith. Once invoked, the rule imposes a substantial burden of proof on the plaintiff. The traditional justifications for the rule include: 1) the idea that judges are not business experts; 2) the conviction that risk-taking must be encouraged; 3) the belief that the rule provides necessary reassurance for capable managers; and 4) the concern for the efficient operation of business and the courts. The rule is premised on the existence of an alternative economic remedy for an aggrieved shareholder.

II. The Business Judgment Rule and the Close Corporation

A. The Special Nature of the Close Corporation

E. FOLK, THE DELAWARE GENERAL CORPORATION LAW 75-77 (1972). [T]he law will not hold directors liable for honest errors, for mistakes of judgment, when they act without corrupt motive and in good faith, that is, for mistakes which may properly be classified under the head of honest mistakes. And that is true even though the errors may be so gross that they may demonstrate the unfitness of the directors to manage the corporate affairs. This rule is commonly referred to as the "business judgment rule". . . .

W. FLETCHER, *supra* note 1, § 1039. If in the course of management, directors arrive at a decision, within the corporation's power (*intra vires*) and their authority, for which there is a reasonable basis, and they act in good faith, as the result of their independent discretion and judgment, and uninfluenced by any consideration other than what they honestly

believe to be the best interests of the corporation, a court will not interfere with internal management and substitute its judgment for that of the directors to enjoin internal management and substitute its judgment for that of the directors to enjoin or set aside the transaction or to surcharge the directors for any resulting loss.

H. HENN & J. ALEXANDER, *supra* note 1, at 661. (d) A director of officer does not violate his duty under this Section with respect to the consequences of a business judgment if he: (1) was informed with respect to the subject of the business judgment to the extent he reasonably believed to be appropriate under the circumstances; (2) was not interested in the subject of the business judgment and made the judgment in good faith; and (3) had a rational basis for believing that the business judgment was in the best interests of the corporation.

PRINCIPLES OF GOVERNANCE, *supra* note 3, § 4.01(d).

6 473 A.2d 805 (Del. 1984).

7 *Id.* at 812.

8 473 A.2d at 812 n.6.

9 Hetherington & Dooley, *Illequidity and Exploitation: A Proposed Statutory Solution to the Remaining Close Corporation Problem*, 63 VA. L. REV. 1, 39 (1977). "[T]he fact is that liability is rarely imposed upon corporate defendants or officers simply for bad judgment and this reluctance to impose liability for unsuccessful business decisions has been doctrinally labelled the business judgment rule." *Joy v. North*, 692 F.2d 880, 885 (2d Cir. 1982), cert. denied, 460 U.S. 1051 (1983). The practical

A quarter century ago, the Seventh Circuit expressed concern about the potential for unfairness to minority shareholders in a closely held corporation resulting from the use of the business judgment rule.¹⁷ More recently, courts in Massachusetts,¹⁸ New Jersey,¹⁹ New York,²⁰ and North Carolina²¹ have indicated some discomfort with the use of the business judgment rule in the close corporation context.

Particularly since the late 1950's, the general proposition that close corporations are in fact unique has been frequently acknowledged. At least four states have enacted special close corporation codes over the past three decades. A number of other states have provided special recognition for close corporations in the general corporation statute. The special nature of the close corporation has likewise been recognized by the courts, but often in dicta and rarely as an essential part of a rationale.

Despite the sharp distinctions in function and appearance between publicly held and closely held corporations, most statutory and common law applies equally to these two forms of business organization. Most of the fundamental principles of corporate law apply, or are made to apply, to all corporations.

The business judgment rule is no exception. None of the casebooks and

few of the treatises even question whether the business judgment rule should apply to the close corporation. Neither the commentary in the Model Business Corporation Act, which prescribes the standard of care for directors, nor the most recent proposals of the American Law Institute relating to corporate governance, consider the special problem the business judgment rule might present in the close corporation.²² The lack of attention to the issue is not surprising because the cases themselves seldom suggest any problem with the use of the rule in close corporations. If raised, the question is usually addressed in a brief aside. Rarely, if ever, does a result turn on whether the business judgment rule should apply to close corporations.

B. Identifying The Problem: The Business Judgment Rule's Justifications and Assumptions

The business judgment rule should apply to the close corporation only to the extent that the traditional assumptions and rationales for the rule justify its use.²³ But these assumptions and justifications rarely apply in the closely held corporation. As a result, the rule should have an extremely limited role in the close corporation.

1. Justifications

The traditional justifications include the belief that the rule reassures capable managers; the conviction that

managers should be encouraged to take risks; the notion that judges are not business experts; and the concern for the efficient operation of business and the courts.

a. Reassuring capable managers

One of the attributes of the close corporation is the close identity between management and ownership.²⁴ If the owners also manage the corporation, reassuring the management seems unnecessary and useless. This identity of management and ownership also undercuts the assumption that fear of managerial liability deters insiders such as principal shareholders and key employees from serving on the board. Instead, the need to reassure potential managers and directors should arise only if outsiders are involved. In fact, in a close corporation the board of directors normally represents only a legal formality. Service on the board, therefore, seldom causes great concern or requires lengthy consideration.

b. Encouraging Risk-taking

Intelligent risk-taking is as desirable and necessary in the close corporation as in the publicly held corporation. Presumably, however, the business judgment rule should encourage only business-related risks.²⁵ Non-business motivations abound in a close corporation and often avoid detection. Thus a given management decision may not represent a true business-

difficulty of showing "interest" on the part of the board of directors is underscored in cases such as *Aronson v. Lewis*, 473 A.2d 805 (Del. 1984), which insist that the plaintiff, at the complaint stage, provide detailed allegations of specific facts which show "interest." Cf. *Cohn*, supra note 20, at 594.

10 See, e.g., *Joy v. North*, 692 F.2d at 885-86; *Shlensky v. Wrigley*, 95 Ill. App. 2d 173, 180-81, 237 N.E.2d 776, 780 (1968); *Auerbach v. Bennett*, 47 N.Y.2d 619, 630, 393 N.E.2d 994, 1000, 419 N.Y.S.2d 920, 926 (1979).

11 *Arsh*, *The Business Judgment Rule Revisited*, 8 HOFSTRA L. REV. 93, 97 (1979); *Lynch*, *The Business Judgment Rule Reconsidered*, 17 FORUM 452 (1981).

12 *Cramer v. General Tel. & Elec. Corp.*, 582 F.2d 259, 274 (2d Cir. 1978), cert. denied, 439 U.S. 1129 (1979); cf. *W. FLETCHER*, supra note 1, § 1039.

13 *Joy*, 692 F.2d at 885-86. See also *PRINCIPLES OF GOVERNANCE*, supra note 3, introductory note at 2; *Lynch*, supra note , at 454.

14 *Arsh*, supra note 11, at 98-99; *Lynch*, supra note 11, at 453.

15 *Arsh*, supra note 11, at 95.

16 Note, *The Continuing Viability of the Business Judgment Rule As A Guide For Judicial Restraint*, 35 GEO. WASH. L. REV. 562, 569 (1967). Closely related to this premise is an attitude akin to the tort principle of assumption of risk: the belief that "[s]ince shareholders can

and do select among investments partly on the basis of management, the business judgment rule merely recognizes a certain voluntariness in undertaking the risk of a bad business judgment." 692 F.2d at 885.

17 *Santarelli v. Katz*, 270 F.2d 672, 678 (7th Cir. 1959).

18 See *Wilkes v. Springside Nursing Home, Inc.*, 370 Mass. 842, 851, 353 N.E.2d 657, 663 (1976); *Donahue v. Rodd Electrotape Co.*, 367 Mass. 578, 593, 328 N.E.2d 505, 515-17 (1975).

19 See *Exadaktilos v. Cinnaminson Realty Co.*, 167 N.J. Super. 141, 150-52, 400 A.2d 554, 559-60 (Law Div. 1979), aff'd, 173 N.J. Super. 559, 414 A.2d 994 (App. Div. 1980).

20 *In re Topper*, 107 Misc. 2d 25, 32-33, 433 N.Y.S.2d 359, 364-66 (Sup. Ct. 1980).

related risk.

As with the desire to reassure capable managers, this justification assumes that fear of liability significantly affects a manager's decision-making process. The realities of the close corporation, however, undermine that assumption's validity. If the principle shareholders are also the managers, the principals already recognize the risk of economic failure. Potential legal liability therefore is arguably ignored in the decision-making process.

c. Judicial Inability to

Review Business Decisions

Recent cases involving the use of special litigation committees in derivative suits have undermined the traditional view that judges are not capable of reviewing business decisions. *Zapata Corp. v. Maldonado*,²⁶ *Joy v. North*,²⁷ and similar cases indicate a new judicial willingness to substantively review business judgments. Professor O'Neal has suggested that a court has less reason to question its substantive expertise in business matters in the close corporation context.²⁸ The problems are generally not as complex as in a large publicly held corporation. In *Zapata*, the Delaware Supreme Court captured the general unease with Professor O'Neal's suggestions in its comment that "under our system of law, courts and not litigants should

decide the merits of litigation."²⁹

d. Concern for Efficiency

The danger for abuse of the derivative lawsuit is widely recognized.³⁰ Using the business judgment rule to favor the defendant may discourage frivolous complaints. With a smaller pool of potential plaintiffs, however, the danger of ill-founded lawsuits for the close corporation is ordinarily less severe than for the publicly held corporation. Often close corporation shareholders lack the incentive to file a derivative lawsuit because the bulk of any recovery usually will accrue, directly or indirectly, to the alleged wrongdoers in their capacity as majority shareholders. Furthermore, a derivative suit for a close corporation generally will be less complex, and therefore less costly and less time-consuming to defend.

2. Assumptions

a. Independence

The business judgment rule presumes independent judgment and therefore is properly invoked only when the directors or officers involved are disinterested. In the close corporation, however, the assumption of independence may be invalid. When the owners also serve as employees and as directors, potential conflicts of interest are always present. As a result, personal interest often is not separated from the corporate welfare. Because of

the principals' tripartite identity,³¹ conflicts can arise over compensation, other employment matters, dividend policy, or a myriad of other issues. Controlling shareholders usually have the power to manipulate corporate decisions for their personal benefit.

The business judgment rule evolved from the publicly held corporation where management is separate from ownership. The rule is thus based on the perception that independent managers, rather than the courts or shareholder-managers, best serve shareholders' interests.³² This perception suggests that the business judgment rule should not apply to the close corporation.

b. External Controls on Management Conduct

The business judgment rule assumes that external factors regulate management conduct and make judicial deference appropriate. Unlike their counterparts in the close corporation, officers and directors in a publicly held corporation typically encounter numerous restraints on their behavior. For example, the federal securities laws restrict short swing trading by insiders of publicly held corporations and require periodic reporting and disclosure of basic corporate information. By providing additional means of encouraging responsible conduct by officers and directors, federal securities regulation

21 *Meiselman v. Meiselman*, 309 N.C. 279, 301-06, 307 S.E.2d 551, 564-67 (1983).

22 PRINCIPLES OF GOVERNANCE, *supra* note 3.

23 *Joy v. North*, 692 F.2d 880, 886 (2d Cir. 1982), cert. denied, 460 U.S. 1051 (1983); *Aronson v. Lewis*, 473 A.2d 805, 812-813 (Del. 1984); Cf. *Zapata Corp. v. Maldonado*, 430 A.2d 779, 787, 788-789 (Del. 1981).

24 Typically, the owners and the managers are one and the same—at least at the outset. W. CARY & M. EISENBERG, *supra* note 1, at 18-19; R. HAMILTON, *supra* note 1, at 18-19.

25 The business judgment rule "does not apply in cases . . . in which the corporate decision lacks a business purpose . . ." *Joy v. North*, 692 F.2d at 886. The rule, after all, protects business judgments.

26 430 A.2d 779 (Del. 1981).

27 692 F.2d 880 (2d Cir. 1982), cert. denied, 460 U.S. 1051 (1983).

28 F. O'NEAL, § 9.04, OPPRESSION OF MINORITY SHAREHOLDERS (1975).

29 430 A.2d 789 n. 18 (quoting decision below, 413 A.2d 1251, 1263 (Del. Ch. 1980)).

30 See, e.g., W. CARY & M. EISENBERG, *supra* note 1, at 887; H. HENN & J. ALEXANDER, *supra* note 1, at 1039.

31 This identity is as shareholders, employees, and directors. See F. O'NEAL, *supra* note 28, § 9.04.

32 "The fundamental premise of the business judgment rule is that shareholders' welfare is maximized if business decisions are made by managers rather than by courts or shareholders." Fischel, *The Race to the Bottom Revisited*, 76 NW. U. L. REV., 913, 937-38 (1982). In the close corporation, business decisions are made by shareholders who are also managers.

theoretically supports reliance on the business judgment rule. In addition, the pressures of the marketplace appreciably affect the conduct of management in a publicly held company. Poorly managed companies with faltering stock prices become vulnerable to various takeover attempts when the stock is perceived to be undervalued.

However, the value of the derivative lawsuit as a regulator of management conduct is even more doubtful in the close corporation than it is in the publicly held corporation.³³ Ratable distribution to the shareholders lessens the incentive for a close corporation shareholder to sue derivatively.

c. Existence of Alternative Remedies

The business judgment rule's relaxed review is appropriate only if

aggrieved shareholders have an alternative to litigation.³⁴ In a publicly held corporation, a dissatisfied shareholder can simply sell his shares. The shareholder in a close corporation, however, does not have this option because no market typically exists for the stock.³⁵

The illiquidity of investment in the close corporation suggests two related conclusions. First illiquidity makes freeze-outs more effective by removing the control group's incentive to compromise. Second, the absence of an efficient, nonjudicial remedy to perceived oppressive conduct militates against the use of the business judgment rule's relaxed standard of review. A court has less reason to rely on the rule when an aggrieved shareholder's only recourse is litigation.

Thus, the business judgment rule obscures judicial analysis and contributes to oppression in the close corporation. Fundamentally, however, the business judgment rule simply should not apply to the close corporation. The basic justifications and assumptions underlying the business judgment rule cannot be transferred automatically from the publicly held to the close corporation model. Instead, the courts should refrain from applying the business judgment rule to close corporations. The search for a suitable replacement for this venerable principle should begin.

33 The utility of the derivative lawsuit as a regulator of corporate conduct continues to be questioned. Manne, *Our Two Corporation Sysms: Law and Economics* 53 VA. L. REV. 259, 272 (1967) (derivative lawsuits can only be used to police egregious wrongdoing). See also Aronson v. Lewis, 473 A.2d 805, 811 n.5, 812 (Del. 1984) (director liability "is predicated upon concepts of gross negligence").

34 See note 44, *supra* and accompanying text.

35 See Hetherington & Dooley, *supra* note 9, at 5-6; Manne, *supra* note 33, at 280-81; Note, *supra* note 16, at 568-70. The cases reflect a steadily developing awareness of the illiquidity problem in the close corporation. See, e.g., *Alaska Plastics, Inc. v. Coppock*, 621 P.2d 270, 273, 277 (Alaska 1980); *Galler v. Galler*, 32 Ill. 2d 16, 27, 203 N.E.2d 577, 583-84 (1965); *Donahue v. Rodd Electrotypes Co.*, 367 Mass. 578, 591, 599, 328 N.E.2d 505, 514, 518 (1975); *Darvin v. Belmont Indus., Inc.*, 40 Mich. App. 672, 677, 199 N.W.2d 542, 544 (1972); *Exadaktilos v. Cinnaminson Realty Co.*, 167 N.J. Super. 141, 152, 400 A.2d 554, 560 (Law. Div. 1979), *aff'd*, 173 N.J. Super. 559, 414 A.2d 994 (App. Div. 1980); *Meiselman v. Meiselman*, 309 N.C. 279, 291, 307 S.E.2d 551, 559 (1983).

Recent Publications by Faculty Members

American Society of International Law—
Proceedings of the 76th Annual Meeting,
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Walker ed. 1982)

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Peeples, *The Use and Misuse of the Business
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Alumni News and Features

An Interview with N.C.'s Newest Supreme Court Justice

by Tom Roth

Wake Forest Law Professor Rhoda B. Billings was appointed to the North Carolina Supreme Court this August by Governor Jim Martin. Justice Billings was sworn in September 4 and succeeds Justice Earl Vaughan who resigned this summer. At the time of her appointment Justice Billings was on leave from the law school and had served two months as Chairman of the State Parole Commission. She will have to run for election in November 1986 to fill the remainder of Justice Vaughan's term. If elected she would serve until 1990.

A native of Wilkes County, where her family has long been active in Republican politics, Justice Billings attended Berea College in Kentucky receiving a degree in English. She later attended Wake Forest Law School, graduating cum laude in 1966. Prior to attending Wake Forest she took time off to help put her husband, Winston-Salem attorney Donald R. Billings, through Wake Forest.

Justice Billings' legal career has been both varied and distinguished. She served as a District Court Judge in Forsyth County from 1968 to 1972. Since 1972 she has been on the law school faculty, eventually specializing in constitutional law, evidence, and criminal law and procedure. From 1970 until the early '80's Justice Billings worked with the State Criminal Code Revision Commission, first as a commissioner and later as a consultant. She has also served as a Governor of the N.C. Bar Association. Since 1984 Justice Billings has been on a leave of absence from the law school. This leave was originally for two years; however, the University Trustees have extended this leave indefinitely.

Concerning her personal life, the Justice notes that she still plays basketball from time to time and tennis on a more regular basis. Her two children are now grown. Her daughter

is working on a master's degree in creative writing at the University of Oregon, while her son is at the University of Michigan studying for an M.B.A. Since her appointment to the Court, Justice Billings has commuted from Raleigh to her home near the Yadkin River in Forsyth County on weekends.

Recently Justice Billings was interviewed by *Wake Forest Jurist's* Tom Roth, a third-year student who was in Justice Billings' constitutional law class two years ago.

JURIST: Considering that you are the second woman and the second Republican in this century to sit on the Supreme Court, how have you been received?

JUSTICE BILLINGS: "I have been received with warmth and an open willingness to help that has been extremely heartwarming. The other members of the Court have absolutely been terrific; I can't imagine that they would have been more gracious to anyone else."

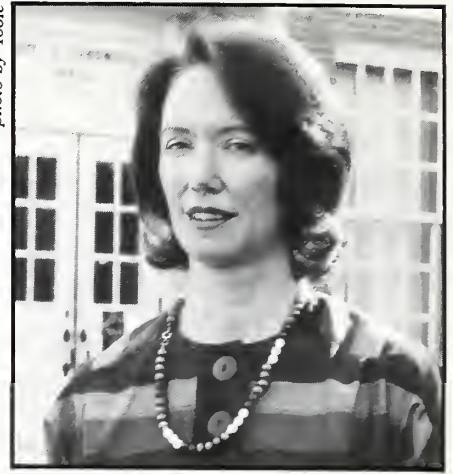
JURIST: Why did you decide upon a leave of absence from the law school two years ago?

JUSTICE BILLINGS: "I had been teaching at that time for eleven and a half years without a break, and teaching anything I guess that . . . you begin to feel a need for getting out of the cloistered environment and back into the active life of the law and I guess I felt this more keenly than some people do because I had been in District Court where the law is such an active, vital thing."

JURIST: But were you not practicing law throughout that time with your husband's firm?

JUSTICE BILLINGS: ". . . because I was not in the office on a full time basis I couldn't take cases that were my own . . . I was in a position of advising, researching, helping out occasionally with cases in the law firm, but that was

photo by Toole



Professor Billings

very different from being the hands-on responsible person."

JURIST: How would you describe your tenure at the Parole Commission?

JUSTICE BILLINGS: "It was quite exciting because it has a very low visibility with the public generally. In terms of day to day operation of the parole commission and the work that it has to do I found that there was a lot that needed to be done in terms of setting policy and establishing procedures, simply in making the commission an efficient operation and I was thoroughly enjoying what I was doing . . . I enjoyed getting into a position to be able to do it." *On her successor as Chairman of the Commission:*

"I think that Bruce Briggs was a good appointment."

JURIST: How has your life changed since your appointment?

JUSTICE BILLINGS: ". . . The professional side of my life has changed, I find, . . . , that it's really somewhat similar to being a law school professor without going to class. So, in terms of what I do on a day to day basis, although the perspective on the law is obviously different, . . . , I'm still spending an awful lot of time—in an office—reading law. It is a definite change when you [consider] what I do as a Justice, but there are a great number of similarities, a lot of time I am doing exactly the same thing. It's just that it's a much wider variety of things I have to look at, covering a great variety of subject areas." *On whether she would run for a full eight-year term in 1990:*

"I know of nothing that would cause me not to run for a full term." Beyond

that? "Thirteen years. That is about as far as I want to look into the future.

JURIST: What would you consider to be your judicial philosophy? Many of your former students have compared you, either favorably or unfavorably depending upon their viewpoint, to Justice Rehnquist.

JUSTICE BILLINGS: "I don't know if I can identify yet what my judicial philosophy is going to be. . . . We have a tendency to try to pigeon hole people very early and I think that we have seen that does not always pan out the way you would expect it to. I don't know that right now I could honestly characterize myself in all areas. . . .

In the area of criminal law and procedure, in particular, obviously I have a great realization of the role that I would have in applying the constitutional restrictions whether I agreed or disagreed with what the United States Supreme Court held to be the appropriate construction of an amendment. . . . So, I think that when you look at that area and say are you liberal or are you conservative it is a mixed question. Judicial philosophy may not have much to do with the outcome, in terms of whether you agree or disagree with the Supreme Court, as whether you feel its your responsibility to apply the law as the law exists and I feel a great deal of responsibility for doing that."

Concerning the Legislature:

"If a matter is touched upon by the legislature then obviously I feel that determining what is the intention of the legislature is the responsibility of the Court and the fact that I might have preferred that the legislature had spoken differently does not give me the right to say that the law should be different and to apply it differently.

Alumnus Becomes Leader in Computer Law Field

A Wake Forest Law School alumnus has rapidly established himself and his law firm in the forefront of a legal area which was relatively unknown just a few years ago.

Frederick L. Cooper III, a 1971 Law School graduate and member of the Wake Forest Lawyer Alumni Ex-



Frederick L. Cooper III

ecutive Committee (LAEC), has been so instrumental in shaping computer law into a specialty of its own that Prentice-Hall, Inc., a leading publisher, has contracted with him for an upcoming book with a working title, "Law and the Computer Vendor—How to Keep Your Company Out of Court," to be released next year.

The Roanoke Rapids, North Carolina, native is a founder and partner of the Atlanta law firm of Decker, Cooper & Hallman, a professional corporation.

In addition to a number of new software companies, Georgia's two largest companies, The Coca-Cola Company, Inc. and Georgia-Pacific Corporation, look to Cooper's firm for computer-related legal advice.

Although Cooper's practice is centered in the Atlanta area, he advises clients nationally. Cooper has remained close to his home state, with clients in Charlotte and the Research Triangle Park area, plus regular visits to the Wake Forest campus with his work on the LAEC as an active alumnus.

It was Cooper's interest in North Carolina activities which led to the call from Prentice-Hall asking him to write the new computer law book. He found that most of his computer software clients needed a certain amount of background information, so a memorandum was drafted and distributed to each of them. It was so well received in 1984 that several clients suggested that it be stripped of

"legalese" and be expanded into a brief handbook for clients as part of a "one-minute manager" approach toward client education.

In early 1985, Cooper gave a copy of the expanded handbook to Dr. Wushow Chou of North Carolina State's Computer Science Department. Chou was so impressed that he sent the handbook to Prentice-Hall which, unknown to Cooper, sent it on for review by a leading Silicon Valley lawyer and a top California software vendor. The result: a contract from Prentice-Hall was negotiated last July, and the final book is well in the works.

The new 1986 book, according to Cooper, has three recurring themes which represent the "nuts and bolts" issues for any software vendor: (1) how to protect proprietary rights in software, (2) how to avoid unreasonable exposure to liability when marketing software to users, and (3) how to distribute software through third parties.

The book is designed for the myriad of companies which should have an interest in computer law, from large Fortune 500 companies to small start-up ones.

Cooper's interest in computer law, and his continuing effort to promote it as a legal specialty, has been recognized by the State Bar of Georgia. Cooper believed that the State Bar should have a new section devoted to computer law, and he was appointed in March 1984 by the then president of the State Bar of Georgia, Richard Y. Bradley, as Co-Chairman of a Committee to study the idea and to report to the State Bar regarding the feasibility of establishing such a section.

In early 1985, Cooper's efforts achieved success when the State Bar of Georgia formally approved a new Computer Law Section. Computer law had officially come to Georgia, and Cooper was appointed Co-Chairman of the section.

Cooper's law practice specializing in computer law includes contracting for the marketing and acquisition of computer hardware, software, and telecommunications systems, protecting proprietary rights in software, and in other legal issues relating to the

data processing industry. Cooper also practices generally in the areas of corporations, commercial financing and commercial transactions.

Before his legal education, he graduated from Wake Forest's undergraduate school in 1968 with a B.A. in Political Science. He was president of the student body and a member of Omicron Delta Kappa.

He is a member of the section on Science and Technology of the American Bar Association, and the Computer Law Association, a national association comprised of computer law specialists.

Cooper believes that the current issues involving use of microcomputer software in the marketplace are vitally important considerations for almost every business regardless of size.

"With the increasing use of microcomputer software in the workplace, corporate users face an increasing risk of liability for their employees' unauthorized copying of software programs for use at the office and at home," Cooper told lawyers in a recent article for the *Georgia State Bar Journal* titled "Corporate Software Piracy: Is Your Client (Or Your Firm) Liable?"

The article discusses the various theories of liability and offers suggestions for minimizing exposure to liability. "The software industry is taking serious measures to deal with unauthorized copying, and the risk of corporate liability for employees' unauthorized copying is a very real one," Cooper said.

Controlling individuals, Cooper explains, in any business that uses computer software, including law firms, can prevent vicarious liability for unlawful copying of computer programs by employees by adopting a corporate policy against unlawful copying and by educating employees regarding the policy.

Cooper is a lawyer interested in tradition—his firm occupies two floors of a National Historic Landmark in downtown Atlanta—but not at the expense of technological progress which improves the quality of life. This blend of tradition and technology will continue to be a vital factor in Cooper's law practice.

PORTRAIT: John Joyner Asheville's Nonagenarian

by Eileen Coffey

John C. Joyner, a 1923 graduate of Wake Forest Law School, celebrated his 90th birthday on August 26, 1985. Although he has been a licensed attorney for more than sixty years, Mr. Joyner shows no signs of slowing down. He has dedicated his life to his family, his education, his career, and his community. The story of this distinguished old gentleman and his loyalty to his career is an integral part of the tradition of the Law School.

Involved is a word which characterizes Mr. Joyner's life. He has worked since the age of nine, when he sold the *Saturday Evening Post* door to door for 5 cents a copy. Mr. Joyner won recognition for his hard work even at this young age. The *Post* gave him a gold watch for selling more *Saturday Evening Posts* than anyone in the U.S. for his size town. He had various other jobs throughout his childhood such as delivering groceries on a bicycle, cropping tobacco and working at a drug store.

Because Mr. Joyner's parents both died when he was a small child, he was raised by his aunt. His legal guardian was his uncle, J.Y. Joyner, who played a very important role in young John's life. J.Y. Joyner was the superintendent of schools in North Carolina and stressed to young John and his sisters the importance of education.

John Joyner came to Wake Forest College at Wake Forest, N.C. in 1914. He majored in education with an emphasis in mathematics. In his senior year he was called to fight with the air service in the 1st World War. After the air service, Mr. Joyner returned to LaGrange, N.C. where he had grown up and did various jobs.

His professional career actually began as a teacher and principal of a school in Winsor, N.C. In Winsor his students called him "the professor." He taught "just about everything" and was paid \$150 a month.

photo by Coffey



John Joyner

In 1921 Mr. Joyner started attending law school at Wake Forest during the summer. Both his father and his uncle were lawyers and John decided to study law also. In 1923 he finished law school. Mr. Joyner then took the bar in front of a panel of judges in Raleigh and passed.

After the Bar, he was offered another teaching position at the Glenwood school near Marion. It was at Glenwood that Mr. Joyner met his future wife, Edith Pickens, who was also a teacher.

Edith and John were married in 1929. They had three children. Edith died in 1942, and Mr. Joyner was left with three young children to raise. Today John Jr. lives in Asheville and practices law with his father. Dr. Nancy Carol Joyner lives in Cullowhee and is a professor of English, and Jean Joyner Humber lives in Winston-Salem and sells real estate.

Mr. Joyner believes that "law is a jealous master." Yet he has not allowed law to become his sole interest. Mr. Joyner is very involved in real estate and has acquired much property around Asheville. He also is interested in investing in the stock market. He has invested wisely and has been rewarded in those investments.

John Joyner is a very generous man with both his time and his material wealth. He is a major benefactor to the Wake Forest Law School. In recognition of his contributions, the

law library is named for him. He has also given money to Western Carolina University, where his daughter teaches, for a new computer center in the English Department.

He gives of his time by serving in many local civic organizations such as the Masons, the Rotary, and the American Legion. He is also very involved in his church and serves as Treasurer for the Buncombe County Baptist Home for the Aging.

Mr. Joyner attributes his longevity to hard work, and a life-long abstinence from liquor and tobacco.

He realizes that he should end his practice and retire but he can't because he has too many clients and he's too involved. He still works full time—which for him is all the time—and just can't find the time to stop.

Eileen Coffey is a second-year student from Boston, Massachusetts.

Partners Banquet Honors Donors

by Julie Davis

On October 25, the annual Partners' Banquet was held at Bermuda Run Country Club. This banquet honors those alumni and friends who have helped raise over \$3 million in gifts and grants in thirteen years. This banquet takes place each year as a part of the Lawyer Homecoming Weekend at Wake Forest.

Those in attendance at the banquet included several distinguished members of the judiciary: Chief Justice Joseph Branch ('38) and Associate Justice Rhoda Billings ('66) of the N.C. Supreme Court, Justice Sidney Eagles ('64) of the N.C. Court of Appeals, and Chief Justice Hiram Ward ('50) of the Federal Middle District of North Carolina.

D. Clark Smith, Jr., President of the Lawyer Alumni Association, presided over the banquet. Recognition was given to those contributors who, in the past year, have markedly increased their giving.

The highlight of the evening was the address by Robinson O. Everett, the Chief Judge of the U.S. Court of Military Appeals. Judge Everett's



Leon L. Rice Jr. and Cliff Everett

speech, although very entertaining, focused upon the serious changes which all law schools have faced over the years and the challenges these changes present to law schools.

Law schools today are faced with new rights, new areas of practice and new methods of research, Judge Everett stated. In Judge Everett's opinion, the law has unfortunately become less of a profession and more of a business. He said that too many attorneys today are concerned with profits and are not truly dedicated to the law.

Judge Everett feels that law schools can meet the challenges these changes present by broadening curriculum to include new subject matter, by broadening placement sources, by increasing emphasis on ethical considerations, and by seeking out more dedicated professors.

His speech ended with a positive assessment of Wake Forest Law School's progress towards meeting these challenges. Judge Everett cited the school's clinical program and the placement of many students in summer clerkships. He noted that new courses have been added to the curriculum and computer research is readily available.

With the institution of the 440 Plan, in Everett's words, "quality wins out over quantity" of students. Finally, in his judgment, the law professors are

committed to excellence in teaching and are not strangers to the practice of law.

Everett's final word to all law schools would be a military slogan: "Be all that you can be." In his estimations, Wake Forest Law School is headed in that direction.

Julie Davis is a third year student from Elizabethtown, N.C. and is co-editor of the Alumni News and Features Section.

Law Fund Goal Set at \$410,000

Who could imagine anything more difficult than getting 51 percent of any group of lawyers to agree? That's the formidable challenge facing this year's Law Fund campaign. This year's Law Fund has before it the considerable goal of garnering \$410,000 with 51 percent lawyer alumni participation.

In the face of such a task, the alumni of most law schools might pray for judgment continued. But at Wake Forest the momentum seems to keep building. The Wake Forest Law School campaign makes a strong case for "volunteerism" at its best.

The person charged with directing this year's campaign is **J. Donald Cowan Jr.** ('68) of Smith, Moore, Smith, Schell & Hunter in Greensboro. Already Don has been impressed with the efforts that are being made on behalf of the School of Law. It is evident that there is a rejuvenated sense of excitement over the good things that are occurring at the School of Law.

One of the mainstays of the Law Fund effort is the Class Agent Campaign in which our alumni volunteer to write five of their classmates asking them to support the Law Fund. Over 150 loyal alumni have already agreed to take on this task and, if history is an indicator, they will be enormously persuasive.

Another Law Fund function is to implement fund raising campaigns in Forsyth, Guilford, Mecklenburg, and Wake Counties. These, too, involve hundreds of our law alumni. Heading the Forsyth County drive is **Murray**

photo by Santaro

Greason ('62) of Womble, Carlyle, Sandridge & Rice. Guilford County's campaign has for its chairman **Harold Beavers** ('81), of Isaacson & Jacobson. Mecklenburg County's leader is **John Yorke** ('79) of Wardlow, Knox, Knox, Freeman & Scofield. And Wake County is in the

very capable hands of **Gerald Roach** ('82) of Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan.

Each of these leaders selects team captains who in turn select team workers to contact their colleagues in each county. It is a mammoth effort, but one that brings great satisfaction.

This year's combined goal for all counties is over \$80,000.

The Law School has much of which to be proud. At the top of the list are the dedicated alumni that do this work to make sure that our School of Law provides the best possible legal education.

1985 GRADUATES

Peter James Adcroft
Randall John Andersen
Robert Lars Anderse
Julie Jeannine Ansell
Karin Diane Armen
Mary Badoyannis
Jerome Dennis Bailey
Timothy Gillam Barber
David McKinley Barnes
Carolyn Buell Barnett
Charles Daniel Barrett
Clifton Thomas Barrett
Robert Mason Barrett
Janice Carol Bell
John Howarth Bennett
Julie Anne Berly
Paul Louis Bidwell
Peter Timson Blaetz
Robert Michael Blend
James Calvin Boerigter
Nancy Eloise Borders
Howard Bruce Brandon
Roy Robert Brandys
Margurete Rose Britt
Herbert Howard Browne III
Donald R. Bryan, Jr.
John David Bryson
Vanessa Evans Burton
Anne Knickerbocker Buzby
Anna E. Caldwell
Kenneth Gray Carroll
Doris Viola Carter
Paul Kevin Carwile
Kelley Layne Chick
John Harper Plumer Cilley IV
Cynthia Anne Cline
Stephen Bundy Cone
Mark Simpson Culler
Clayton Monroe Custer
David Duane Daggett
David Watson Daniel
Christopher Frank Davis
Mary Jean Davis
William Lee Dawkins, Jr.
Sherry Rose Dawson
Douglas Rene Deaton
Daniel Alan Devay
Sarah Page Dickson
Stacy Blount Divine
James Anthony Doran
Charles Thomas Douglas
Linda Rene Drillock
Patricia Bailey Edmondson
Andrea Denise Edwards
Erik Edward Ekvall
Robert Steven Ensor
Mary Ann Flynn
Henry C. Fordham, Jr.

Clarks Summit, PA
Madison, WI
Old Mystic, CT
Fairfax, VA
Wilmington, DE
Greenwich, CT
Danville, VA
Winston-Salem, NC
Beckley, WV
Henderson, NC
Laurinburg, NC
Alexandria, VA
Lake Junaluska, NC
Vienna, VA
Goldsboro, NC
Florence, SC
Cold Spring Harbor, NY
Erie, PA
Canton, OH
Holland, MI
Shelby, NC
Winston-Salem, NC
Chicago, IL
Lumberton, NC
Charlotte, NC
Rocky Mount, NC
Hawthorne, NJ
Durham, NC
Philadelphia, PA
Winston-Salem, NC
King, NC
Candor, NC
Colonial Heights, VA
Galax, VA
Newton, NC
Chatham, VA
Greensboro, NC
Winston-Salem, NC
Winchester, VA
Barrington, IL
Greenville, NC
Salisbury, MD
Martinsville, VA
Raleigh, NC
Cana, VA
Greensboro, NC
Chevy Chase, MD
Charlotte, NC
Washington, DC
Melbourne, FL
Winston-Salem, NC
Marlette, MI
Davidson, NC
Newton, NC
Delray Beach, FL
Charlotte, NC
Reston, VA
Greensboro, NC

Richard Tillman Fountain III
Mary Helen Frederick
Cynthia Louise Gaffney
Bryant William Galbaugh
William Justin Garrity
Ralph Lane Gilbert III
Thomas Christopher Grella
Robert Gordon Grubb
James Hayden Harrell
David Lee Harrison
Michael John Healy
Deborah Parks Helms
R. David Henderson
E. Parker Herring
Thomas Chester Hildebrand II
Rhesa Lou Hipp
Terry DeWayne Horne
Virginia M. Hourigan
James R. Hundley
John Charles Hunter
Robert Allen Ingram, Jr.
John Salvatore Iorio
Connie Hays Jackson
Bethann Jakoboski
Paul Kent Jamison
Cecelia Gail Jarrell
Edward J. Jennings III
Peter Matthew Jennings
Virginia Hurt Johnson
Diane Lynn Jones
Rhonda S. Kahan
Brett Armen Kassabian
Lisa Thompson Kelly
James Donald Kepley, Jr.
William Ronald Knight
Richard Martin LaBarge
Andrew Wayne Lax
Edward Curtis Leach
Kevin Michael Leach
Teresa Coin Lee
David Graham Lerner
Kenneth Shelton Lucas, Jr.
Dickson McCarthy Lupo
Charles Edward Lyons
Claudia Fort Manning
George Wilson Martin, Jr.
Barbara Wegner McConnell
Elizabeth Ellen McConnell
Mitchell Lynn McLean
William Morris McLean
Mitchell Lee Meeks
Bobby D. Mills
Roy Daniel Neill
Mary Carter Nevius
Jeffrey D. Newby
Diane Ruth Noller
Gregory Robert Noonan
Donna Lynn Parker
James S. Parsons, Jr.
Russell Alfred Patrick

Rocky Mount, NC
Richmond, VA
Charlotte, NC
Cincinnati, OH
Ridgefield, CT
Fallston, NC
Fairfax, VA
Lexington, NC
Asheville, NC
Winston-Salem, NC
Huntington, NY
Charlotte, NC
Morganton, NC
Raleigh, NC
Newark, DE
Fayetteville, NC
Wadesboro, NC
Toms River, NJ
Greensboro, NC
Brevard, NC
Greensboro, NC
Bowie, MD
Chattanooga, TN
Burke, VA
Columbia, MD
Danville, WV
Beach Haven, NJ
West Branch, MI
Roanoke, VA
Collinsville, VA
Westbury, NY
Oakton, VA
Winston-Salem, NC
Lexington, NC
Morehead City, NC
Elmhurst, IL
Orange, VA
Winston-Salem, NC
East Greenwich, RI
Fayetteville, NC
Asheville, NC
Roanoke, VA
Greenville, SC
Lenoir, NC
Pinehurst, NC
Mocksville, NC
Falls Church, VA
Greenville, NC
N. Wilkesboro, NC
Winston-Salem, NC
Tampa, FL
Morganton, NC
Hendersonville, NC
W. Redding, CT
Norristown, PA
Eutawville, SC
Haddon Heights, NJ
Kettering, OH
Greensboro, NC
Jacksonville, NC

William Walter Pepper
 Kurt Neal Peterson
 Susan Jackson Phillips
 Harrell David Powell
 Jesse Coburn Powell
 James K. Pryor
 Michael Ian Quinn
 Carolyn Anne Reid
 Gene Arthur Riddle
 Cheryl Smith Riedlinger
 George Wilborn Rives
 Cynthia Leigh Robinson
 Marjorie Anne Rowe
 Mary Olene Carter Sampson
 Patricia Gamble Scales
 Kimberly S. Seman
 Curtis Randolph Sharpe, Jr.
 John Desmond Shine
 Ronald Jay Short
 W. Edward Singletary
 Milan George Weber Slahor
 John Newton Smith III
 Kevin Patrick Smith
 Ronald Eugene Spivey
 Ann Black Strader
 James Russell Sugg, Jr.
 James Kirk Talcott
 Heidi Marie Tauscher
 Elaine Verzi Teeter
 Mark Russell Townsend
 Scott Bryn Umstead
 Anna Mills Scarborough Wagoner
 Brian Kevin Washington
 Mark Alan Weiermiller
 William Scott Weiss
 Gregory Arthur Wendling
 Margaret Emma Whiteside
 Thomas Fletcher Wiggins
 Stephen Carson Wilhoit
 Jarald Nicholas Willis
 Karen Malette Wilson
 Mary Ella Holland Wilson
 Hannah Catherine Elizabeth Yonan

Georgetown, DE
 Hawthorne Woods, IL
 Greensboro, NC
 Clemmons, NC
 Whiteville, NC
 North Caldwell, NJ
 Brookhaven, NY
 Winston-Salem, NC
 Southern Pines, NC
 High Point, NC
 Mount Airy, NC
 Salem, VA
 Bay City, MI
 Pembroke, NC
 Lewisville, NC
 Pittsburgh, PA
 Newton, NC
 Nashville, TN
 Winston-Salem, NC
 Winston-Salem, NC
 Lewiston, NY
 Rocky Mount, NC
 Westfield, NJ
 Sanford, NC
 Lexington, NC
 New Bern, NC
 Greensboro, NC
 Winter Park, FL
 Bethesda, MD
 Shallotte, NC
 Myrtle Beach, SC
 Salisbury, NC
 Washington, DC
 Elmira, NY
 Longmeadow, MA
 Kalamazoo, MI
 Dunn, NC
 Winston-Salem, NC
 Charleston, WV
 Tryon, NC
 Lenoir, NC
 Windsor Locks, CT
 Winston-Salem, NC

DECEMBER 1984 GRADUATES

Kathy Denise Habron
 Thomas Eastwood Medlin, Jr.
 Leslie Eddy Miller
 William Middleton Musser
 William Ferguson Edwards Price
 Victoria Lane Roemer
 Judith Culp Wilson

Mechanicsville, VA
 Zebulon, NC
 Charlotte, NC
 Arlington, VA
 Tampa, FL
 Winston-Salem, NC
 High Point, NC



CLASS NOTES

1916

Lee Parker is now a life insurance agent and broker in Raleigh, N.C. Upon graduation he spent five years with the British-American Tobacco Co.

1921

Lex Marsh is a Trustee for life of Wake Forest University and served as Chairman of the Board of Trustees from 1960 to 1962. He also served as president of the Charlotte City Club in 1961 and president of the Charlotte Board of Realtors in 1936.

1922

Fred B. Helms, formerly a lawyer in general civil practice, is now acting counsel to Helms, Mulliss and Johnston of Charlotte, N.C. Mr. Helms' distinguished career is described in *Who's Who in America*. Also, the Fred B. Helms Scholarship Fund at the Law School has been established by colleagues and friends in honor of Mr. Helms.

1931

C.M. "Chick" McCracken has retired after working for fifteen years as a school principal, twenty-five years as an FBI special agent, and eight years as public administrator for Buncombe County, North Carolina. He served for eight years on the Social Service Board of Buncombe County and was chairman for three years. He is married and has two children and two grandchildren. He resides in Winter Haven, Florida and Asheville, N.C. Mr. McCracken's interests include fishing and baseball.

1933

William E. Timberlake was engaged in the general practice of Law in Lumberton, Robeson County from 1934-1975. He was a member of the North Carolina State Bar Council and served a term on the North Carolina Judicial Council under Justice Higgins.

1934

Addison Hewlett, Jr. is engaged in the general practice of law in Wilmington, N.C. He has also been a member of the N.C. House of Representatives as well as serving as a trustee of Wake Forest University and Chairman of the Board of Trustees of the University of North Carolina at Wilmington. He is now a Trustee for life of Wake Forest University.

1935

H. Clay Cox, Jr. is a retired Vice President and General Counsel for Woodmen of the World Life Insurance Society. He also served as a delegate to the White House Conference on Aging.

1936

Woodrow H. Peterson, Sr. has been a general practitioner in Clinton, N.C. since January 25, 1937. He and his wife, Alease, have one child, Woodrow H. Peterson, Jr. who is a junior at Wake Forest.

Raymond Pridgen practices in Mullins, S.C. where he does estates, corporate law, civil and criminal trials, and domestic relations work. He is a former mayor of Mullins and was City Attorney for thirty-five years.

1937

David Maxwell Britt is now serving as counsel to the Raleigh firm of Bailey, Dixon, Wooten, Walker, McDonald & Fountain. After nearly thirty years of private practice, he served first as a justice of the N.C. Court of Appeals and then as associate justice of the N.C. Supreme Court. Judge Britt is a life member of the Wake Forest Board of Visitors.

Judge A. Pilston Godwin, Jr., formerly on the North Carolina Superior Court Bench, retired in 1982 and is living in Raleigh, N.C. In addition to his law practice in Gatesville, N.C., Judge Godwin served as state senator, 1953-55 and as Commissioner of Motor Vehicles, 1965-67. Judge Godwin was also president of the North Carolina Bar Association, 1965-66.

1938

Edwin E. Wells is retired and enjoying his leisure time. He is the past Regional Vice-President of State Farm Insurance Companies of Bloomington, Illinois.

1939

Gordon A. Phillips was recently honored by the Helene Fuld Medical Center in Trenton, N.J. upon his retirement. Beginning in 1969, he served as Attorney for the Helene Fuld Health Trust which supports 170 nursing schools in the U.S. and abroad. He served on the New Jersey Board of Nursing for five years. He is also a former F.B.I. agent and municipal court judge. He is now retired and living in Sarasota, Florida.

WHAT'S NEW?

Wake Forest Jurist would like to hear from all alumni about any new developments in your life. Kindly take a few moments to fill out the form below and return it to *Wake Forest Jurist*, P.O. Box 7206, Wake Forest University School of Law, Winston-Salem, N.C. 27105

Thank you for the tremendous response to our fall letter. We would now appreciate your keeping us informed by using the form below, which will appear in each issue of the *Jurist*. Please return the form by March 8 to insure inclusion in our spring publication.

Name: _____ Year of Law School Graduation: _____

Business Address: ☐ (check if new address) _____

Home Address: ☐ (check if new address) _____

Brief description of law practice or business: _____

Public offices, professional, and civic honors with dates: _____

Personal items of current interest (i.e. marriage, birth of child) _____

1940

Clifton W. Everett, Sr. is the senior partner in the firm of Everett, Everett, Warren & Harper in Greenville and Bethel, N.C. He is a former mayor of Bethel and a former member of the N.C. General Assembly. He served as President of the N.C. State Bar Association in 1984 and is a member of the Wake Forest Board of Visitors.

1941

William W. Staton is currently in practice in Sanford, N.C., focusing on civil, corporate, and administrative law. Mr. Staton was also a member of the State Senate.

1942

Joseph B. Huff has a general practice in Marshall, N.C. He specializes in civil and criminal litigation. His partner is Stephen Edward Huff, a Wake Law graduate in 1978.

Cicero Preston Yow is in the general practice of law in Wilmington N.C. with specialties including corporate and estate law. He has also served as the First Assistant U.S. District Attorney, State Senator, and attorney for the City of Wilmington.

1947

Horace R. Kornegay is Chairman of the Tobacco Institute in Washington, D.C. He served four terms in the U.S. Congress as the representative from the Sixth Congressional District of N.C. beginning in January 1961 and continuing until January 1969. Earlier this year he received the Americanism Award of the Anti-Defamation League of B'nai B'rith in Washington. Recently he was re-elected Chairman of the Wake Forest Board of Visitors.

1948

Larry L. Williams previously worked for the U.S. Department of Justice as a trial attorney and a partner in Clifford & Warnke in Washington, D.C., and is presently doing consulting in anti-trust law. He is a life member of the Law Board of Visitors of Wake Forest University.

1949

John F. Crossley is in practice in Wilmington, N.C. doing civil trial work as well as admiralty, aircraft, auto, and product liability law.

A.D. Folger, Jr. is a partner in the Madison, N.C. general practice law firm of Folger and Tucker.

Henry B. Huff practices corporate and administrative law in Louisville, Ky. He is currently the second vice-president of the Southern Baptist Convention.

E. Murray Tate, Jr. is senior partner in the Hickory, N.C. firm of Tate, Young, Morphis, Bach & Farthing. His specialties are corporate, probate, and real estate law. He is also the Hickory City Attorney. All three of Tate's children are graduates of Wake Forest University.

1950

Stanley J. Corne is presently in practice in Newton, N.C. specializing in title, tort, and domestic law.

C. Banks Finger lives in Winston-Salem where he is president and chief executive officer of Piedmont America Life Insurance Co. and an underwriting member of Lloyd's of London. Finger recently established the Robert E. Lee Scholarship of the Law School.

William F. McLeod, Sr. has a general civil practice in Reidsville, N.C. His specialties are civil litigation, estates, and corporate law. He is also the city attorney for Reidsville.

Grady S. Patterson, Jr. is engaged in general tort litigation in Raleigh, N.C. He is also a member of the Board of Directors of the Triangle Christian Conciliation Service and a member of the National Executive Committee of the American Board of Trial Advocates.

Hiram H. Ward has been a U.S. District Judge for the Middle District of N.C. since 1972 and has been Chief Judge since 1982. His first grandson, Daniel R.B. Ward, was born on May 31, 1985. Judge Ward is a member of the Law Board of Visitors of Wake Forest University.

Perry Whitehead Martin is in general practice in Ahoskie, N.C. He has also served as a member of the State House, State Senate, and as a Resident Superior Court Judge.

1951

Robert B. Broughton is presently General Counsel for the N.C. Farm Bureau Mutual Insurance Co. and affiliated companies.

Russell J. Lanier, Sr. retired in 1977 after seventeen years as a judge first in the Duplin County General County Court, then in the Fourth Judicial District Court. His final five years were spent as the Resident Superior Court Judge.

Harry M. Lee is a senior partner in Lee & Howard in Clinton, N.C. The firm is engaged in general civil practice. He has served in various civic capacities including Local Board of Directors of First Citizen Bank & Trust Co. and President of the 4th Judicial District and Sampson County Bar Associations.

William W. Melvin is the Senior Deputy Attorney General for the North Carolina Department of Justice-Civil Division in Raleigh, N.C.

E. James Moore is a sole practitioner in North Wilkesboro engaged in general practice with an emphasis on civil defense, real estate, and estates. He has served as Mayor of North Wilkesboro and as a judge in Wilkes County Court.

Clyde C. Randolph, Jr. is currently in a partnership with his daughter Rebekah Louise Randolph in Winston-Salem. Mr. Randolph's areas of specialty include civil trial and appellate practices. He is also the former President of the Forsyth County Bar Association.

Leroy Robinson is the Executive Vice-President of Belk Brothers Company in Charlotte, N.C. He is the President and Director of the Archdale Mutual Insurance Company. Robinson served as President of the Charlotte Chamber of Commerce in 1984-85 and has been a member of the Wake Forest Law Board of Visitors.

Dan R. Simpson, presently a candidate for the North Carolina Senate, 27th Dist., reports that he is currently practicing business and corporate law with Simpson, Aycock, Beyer and Simpson, P.A. of Morganton, N.C. Simpson is a former member of the N.C. General Assembly and is also a Board Director of Western Steer-Mom'n'Pop's, Inc. and Whitehall Galleries Ltd.

1952

James C. Payne was in general practice in Thomasville, N.C. He was the regional attorney for an insurance company. He is semi-retired now doing administrative law. He is also a member of the U.S. Navy and served in the J.A.G. Corps.

1953

Judge Emory M. Sneed of the United States Fourth Circuit Court of Appeals has published an article entitled "Legislative History or a Lack Thereof" in the *Carolina Lawyer*, a University of South Carolina School of Law publication. Judge Sneed received the Distinguished Alumnus award from Wake Forest Law School at the 1985 Law Day Banquet and was recently elected to the Wake Forest Law Board of Visitors.

1954

S.J. Webster, Jr. is in practice in Madison, N.C. specializing in civil, banking, real estate, probate, and municipal law. He also does work as a town attorney and a bank director. He likes to spend time jogging and following Wake Forest sports.

Dewey W. Wells became a partner on October 1 with the firm of Womble Carlyle Sandridge & Rice in Winston-Salem where he specializes in litigation.

1956

Williams B. Mills is in general practice in all areas of civil and criminal law in Thomasville, N.C. He is a retired colonel in the United States Air Force and was President of the 22nd Judicial District Bar Association.

1957

J. Sam Johnson, Jr. formed a new partnership, Johnson and Tart, Attorneys, in Greensboro on June 1. He specializes in civil trials, estates and family law.

James H. Limer is in general civil practice in Littleton, N.C. He has also served as county attorney for Warren County, Town Attorney. He was a member of the Board of Trustees of Louisburg College and an Adjunct Professor of Law at Campbell University.

Keith Y. Sharpe has a civil and criminal trial practice in Winston-Salem. He received his MBA from Wake Forest in 1982.

Jerry G. Tart is a general practitioner in Greensboro. On June 1, 1985, he formed a new partnership, Johnson and Tart.

1958

L. Joseph Eubank, Jr. is a sole practitioner in New Bern, N.C. in general practice with an emphasis in real property and commercial and business. He is also a member of the City of New Bern Planning and Zoning Commission.

Frank B. Wyatt is engaged in the general practice of law in the High Point law firm of Wyate, Early, Harris, Wheeler & Hauser. Their emphasis is on the trial of civil litigation in virtually all areas. He has also been the President of High Point Bar Association and Vice President of 18th Judicial District Bar Association.

1959

George E. Clayton, Jr. is engaged in civil litigation in Rocky Mount, N.C. He also serves as a lecturer for the N.C. Academy of Trial Lawyers.

1960

Marshall F. Dotson, Jr. is in general practice in Jacksonville, N.C., specializing in civil, real estate, probate and corporate law. He is also the attorney for the City of Jackson and the Onslow County Board of Education.

Kenneth S. Etheridge is in general practice with the firm of Etheridge, Moser, & Garner in Laurinburg, N.C. Mr. Etheridge is currently Chairman of the Scotland County Board of Education and member of the N.C. Courts Commission.

Harold G. Hall is in practice in Raleigh, N.C. specializing in areas of real property, estate planning and administration, domestic and civil litigation.

Robert Gordon Smith is with the Office of Chief Counsel for the Bureau of Alcohol, Tobacco & Firearms of the Dept. of the Treasury in Washington, D.C. This agency is a law enforcement agency similar to the FBI.

1961

Henry A. Mitchell, Jr. is a senior partner in the Raleigh law firm of Smith, Anderson, Blount, Dorsett, Mitchell and Jernigan. He is a member of the Board of Directors of Wachovia Bank & Trust Co. and a fellow of the American Bar Foundation. He also serves on the Board of Directors of Guilford College and is a member of the Parents Council of Wake Forest College.

1962

Fred S. Black of Halifax, Va. is a general practitioner with an office in South Boston, Va.

Murray C. Greason, Jr. has practiced for twenty years with Womble Carlyle Sandridge & Rice in Winston-Salem. He specializes in corporate tax law. His son, Murray C. Greason III (Tripp), is a rising senior at Wake Forest.

James Calvin Johnson, Jr. is a State Senator for the 22nd District of N.C. Mr. Johnson has worked within the state political system since 1962 in various positions ranging from law clerk to judge to senator.

Clint Eugene McElroy is employed by Chicago Title Insurance Co. as Vice President and Manager of the State of N.C. He is also a member of the Executive Committee of the Forsyth County Bar Association and the Executive Committee of the Real Property section of the N.C. Bar.

1963

Harold L. Dale, Jr. served as Commander of the 220th Judge Advocate General Detachment (Legal Services), U.S. Army Reserve, in Tucson, AZ, from April 1976 to June 1985. Since July 1985, he has been a civilian contracts attorney with the Contract Law Division in the office of the Judge Advocate at U.S. Army Headquarters in Heidelberg, Germany.

Fred Gilbert Morrison, Jr. is a practicing attorney and criminal justice governmental consultant. He has also served on the North Carolina Council on Interstate Cooperation and the Governor's Study Commission on Auto. Liability Insurance and Rates.

1965

Ellis Aycock is a partner in the firm of Patton, Starnes, Thompson & Aycock in Morganton, N.C. He has a general practice with an emphasis in civil litigation, banking & commercial law and family law.

Norman B. Kellum, Jr. is presently in general practice with an emphasis on criminal defense and negligence trials in New Bern, N.C. He is a Deacon in the First Baptist Church of New Bern and a member of the Lawyer Alumni Executive Committee of the Wake Forest School of Law.

Robert (Bob) W. Porter specializes in real estate with the firm Leonard, Tanis & Cleland in Winston-Salem.

Col. Donald E. Weir is Chief Judge of the Second Circuit, United States Air Force Trial Judiciary. The Second Circuit includes all court-martial cases convened in the southern area of the United States and Panama.

1966

Rhoda B. Billings was appointed to the North Carolina Supreme Court on September 4, 1985. Justice Billings, who is on leave of absence as Professor of Law at Wake Forest, also serves as Commissioner on Uniform State Laws. Justice Billings is featured in this issue of *Wake Forest University Jurist*.

Maurice W. Horne is an administrative law judge for the Office of Hearings and Appeals Social Security Disability Division. He has been published in the National Journal of General Psychology and was President of the National Conference of Regulatory Attorneys.

Stephen E. Lawing is currently engaged in private practice in High Point, N.C. His general practice includes civil and criminal trial work, corporations, estates and domestic law.

William M. Mote has a general practice in Winchester, Va. He is currently president of the Winchester City Council.

1967

A. Doyle Early, Jr. is practicing law in High Point, specializing in civil litigation and family law. He is presently serving on the Board of Directors of the High Point Convention and Visitors Bureau. He has also been involved in the High Point Chamber of Commerce, the Civil Commission, the Rotory Club, and the Family Service Bureau. He serves as a member of the Alumni Council of the Wake Forest Alumni Association.

Edward L. Powell is President and General Counsel of Parks Leasing, Inc. in Kernersville. He is presently serving as Chairman of the Tanglewood Park Board of Trustees. He and his wife, the former Mary Elizabeth Bales, have three children.

Jonathan D. Reiff specializes in federal and state taxation with Donald R. Lisle & Associates in Oklahoma City, OK. He and his wife, Rosalyn, have two daughters.

Panos A. (Pete) Yeapanis is a general practitioner in Newport News, VA. His primary emphasis is immigration law.

David M. Zacks is a partner in a regional firm in Atlanta. His specialties are health care law, antitrust and complex litigation. He is the 1985-86 Crusade Chairman of the American Cancer Society in the State of Georgia.

1968

Thomas W.H. Alexander is with Maupin, Taylor & Ellis in Raleigh, N.C. specializing in litigation, tort and construction law.

Brooks S. Doyle, Jr. is presently an in house corporate counsel working with government contracts for Hughes Aircraft Co. in El Segundo, Ca.

Jerome B. Friedman was recently named Judge of the Virginia Beach Juvenile and Domestic Relations District Court. His Judgeship became effective on July 1.

Carroll H. Leggett announces his recent re-appointment to the Tryon Palace Commission, by Gov. James Martin. Carroll is Senior Vice President of the Hannaford Co., Inc., an International public relations/public affairs company, whose clients include the governments of Taiwan and Saudi Arabia. Carroll is a member of both the North Carolina and District of Columbia bars.

Norman I. Singletary is engaged in the general practice of law in Albemarle, N.C.

1969

David V. Liner has a general practice, Liner and Bynum, in Winston-Salem.

1970

John H. Loughridge, Jr. is practicing with the Wachovia Corporation in Winston-Salem, doing corporate and financial work. He and his wife just recently had a baby girl, Emily Halsted.

Warren Leonard Pate is a District Court Judge for the 12th judicial district which encompasses Hoke and Cumberland counties.

Ronald M. Price has a general civil and appellate practice in Madison, N.C. In July 1985, the second edition of his book *North Carolina Criminal Trial Practice* was published. The 1985 supplement to his *North Carolina Criminal Trial Practice Forms* was also published.

James E. Snyder, Jr. has a general practice in Lexington, N.C. He and his wife have two daughters.

1971

Kenneth Robert (Ken) Ellis has been a District Court Judge for the Eighth Judicial District since 1976. He is also a major in the U.S. Army Reserves.

C. Ernest Simons, Jr. is a partner in the Raleigh, N.C. firm of Smith, Anderson, Blount, Dorsett, Mitchell and Jernigan. His general area of practice is defense litigation with emphasis in medical malpractice defense.

1972

Robert C. Jenkins has a general civil practice in Ahoskie, N.C. He is Chairman of the Board of Directors of Ridgecroft School and is a member of the N.C. Association of Defense Attorneys.

John P. Simpson is a general practitioner in Beaufort, N.C. He merged his practice with that of Richard L. Stanley in January 1985. His hobby is offshore yacht racing and he will race in his second Newport-Bermuda Race in June 1986.

1973

Joseph Blount Cheshire V is engaged exclusively in the practice of criminal defense law in all courts with an emphasis on trials in federal district and state superior courts. He is presently on the Board of Governors of the North Carolina Academy of Trial Lawyers and the Wake County Council on Criminal Justice.

Janet L. Covey is living in Georgia with her husband, Christopher C. Covey (J.D. 1975) and is selling abandoned cars for money and is a homemaker for her two children. She is licensed in Georgia to practice law.

DeLyle M. Evans lives in Greenville, N.C. and is engaged in a general practice in Ayden, N.C. He and his wife, Louise, have one daughter, Ashley Best, born on October 17, 1984.

Clyde Franklin Stanley, Jr. is a sole practitioner engaging in general practice in Tabor City, N.C. He and his wife have two children; a boy, Mauney, and a girl, Megan.

Moses Dow Lasitter is in general practice in New Bern, N.C. He specializes in real estate, corporate law, and civil litigation.

Michael C. Reeves is President of Safeco Title of North Carolina, Inc. in Charlotte.

Gary F. Roberson is with the U.S. Army Legal Services Agency in Falls Church, VA.

James B. Spears, Jr. is a partner in the firm of Haynesworth, Baldwin, Miles, Johnson, Greaves & Edwards, Greenville, S.C. The firm specializes in representing management in areas of employment law. The Spears recently celebrated the birth of their second child, Emily, born June 22, 1985.

1974

Robert M. Brady, of Brady and Keller, Lenoir, N.C. is a 1985 member of the Council of the General Practice Section of the North Carolina Bar Association. Robert also has been serving as County Attorney for Caldwell County, N.C. since November, 1981.

R. Kent Brown, a member of the Charlotte firm Myers, Ray, Myers, Hulse & Brown, recently received recognition in several publications concerning successful litigation over parking lot design.

James A. Everett is in general practice including litigation in state and federal courts in Elkin, N.C.

William H. Freeman is the resident Superior Court Judge in Forsyth County. He married Cortlandt C. Freeman on September 3, 1983.

Robert E. Fuller, Jr. has a general practice in Goldsboro, N.C. His specialties are bankruptcy and real estate.

Bruce Magers is a partner in the Winston-Salem firm of Deal, Magers & Van Zandt. His specialties are bankruptcy, wills, and estates.

T. Lawrence (Larry) Pollard was married on June 1, 1985 to Brenda K. Hill of Raleigh.

R. Michael Wells is engaged in the general practice of law, with particular emphasis in litigation, in Winston-Salem, N.C. Mr. Wells is currently Chairman of the Forsyth County Democratic Party.

James Bailey is a partner in the firm of Elzufon and Bailey, P.A. in Wilmington, Delaware specializing in defense in personal injury, corporate, and tort cases. He has recently been selected for *Who's Who Among American Lawyers* and announces that his wife is expecting their third child!

Christopher C. Covey is living in Georgia with his wife, Janet L. Covey (J.D. 1973) and presently in the business of salvaging cars and selling wrecked cars for money.

James D. Cox is practicing law in Raleigh, N.C., specializing in the areas of taxation, corporate law, pension and administration, estate planning and administration. Mr. Cox and his wife, Shearin are pleased to announce the birth of their second daughter, Amanda Leigh, born February 20, 1985.

Charles I. Cromer is a sole practitioner in Thomasville, N.C. He is also serving as the state representative for the 37th House District and has been appointed by the speaker of the N.C. House of Representatives to the Study Commission on Medical Malpractice and Liability.

Russell F. Ferree is a member of Ferree, Cunningham and Gray in Wilkesboro, N.C. He and his wife, Teri, have one son, Dana Cameron Ferree.

David C. Francisco is a partner in the firm of Rodman, Holscher and Francisco of Washington, N.C., a general practice firm including litigation, admiralty and estates. David and his wife, Barbara, have two children, Christopher, age 10 and Erin, age 6.

E. Vernon F. Glenn practices in Greenville, S.C. His specialty is plaintiff's civil litigation. Apart from his practice, he is in his 13th year as Senior Atlantic Coast Conference Scout for Nationwide Sports of Los Angeles, California. He scouts both football and basketball.

M. Douglas Goines is General Counsel to Conner Corporation in Newport, North Carolina. He was recently appointed to serve on the North Carolina Manufactured Housing Board.

D. Sam Neill is presently a sole practitioner in Hendersonville, S.C., focusing primarily in estate planning, probate, and real estate. In 1985, he was elected to the Board of Governors for the University System of North Carolina.

David Dockery Ward is a sole practitioner in Raleigh, N.C., working in civil defense with a specialty in medical malpractice.

W. Douglas Parsons, President of the Sampson County Bar Association and Vice President of the Fourth Judicial District Bar, specializes in criminal practice in Clinton, N.C. Mr. Parsons was recently appointed to the North Carolina Criminal Justice Education and Training Standards Commission. The Commission sets guidelines for North Carolina law enforcement officers.

D. Clark Smith, Jr. is a general practitioner in Lexington, N.C. Much of his work is defense in civil litigation. He and his wife, Jane, are pleased to announce the birth of their third child, Robert Spruill Smith, on Nov. 13, 1985. Mr. Smith is President of the Lawyer Alumni Executive Committee.

Robert E. Morey works for the U.S. Environmental Protection Agency in Washington, D.C. He is involved in criminal enforcement of all environmental statutes at the federal level.

1976

Catharine Biggs Arrowood is involved in general commercial litigation with Sanford, Adams, McCullough and Beard in Raleigh, N.C. She is a member of the N.C. Administrative Rules Commission.

Ben Atwater is a partner in a general practice in Siler City, N.C. He emphasizes personal injury and criminal law. His first child, a son, was born on October 9, 1984.

Dennis R. Ayers is Vice President and Attorney for Lexington Memorial Hospital, Lexington, N.C. Mr. Ayers, a member of the North Carolina Society of Health Care Attorneys, received a Master of Science in Public Health from U.N.C., Chapel Hill, in 1984.

Barry E. Coplin was recently named a partner in Friday, Eldredge and Clark, a sixty lawyer firm in Little Rock, Arkansas. His practice is concentrated in insurance litigation.

Michael W. Drye is in the firm of Brock, Begley and Drye in Asheville, N.C. in the area of general practice. He is the current chairman of the Asheville Christian Men's Committee and the Bethany Christian Services North Carolina office. His third girl was born in June.

James Dewey Edwards, Jr. is engaged in a general practice with the Jacksonville, N.C. firm of Gaylor, Edwards and McLaughlin.

David K. Haynes is in general practice with a heavy emphasis on criminal defense in Plano, Texas. He is also part of the Leadership Plano Inaugural Class 1983.

George A. Kaneklides is presently serving as chief counsel to the North Carolina Department of Natural Resources and Community Development as the Director of its Office of Legal Affairs. Mr. Kaneklides and his wife, Ann, are also pleased to announce the birth of their first child, Mary Elizabeth, born December 10, 1984.

James R. Parish is currently a sole practitioner in Fayetteville, N.C. His areas of emphasis are criminal law in both Federal and State courts on both trial and appellate levels, and also personal injury law.

Douglas B. Sullivan is Vice President-Real Estate of Family Dollar Stores, a 1000 store chain.

1977

David A. Beaver is in general practice in Albemarle, N.C. with most of the practice being devoted to real property matters. He was appointed Deputy City Attorney for Albemarle and Attorney for Stanley County Airport Authority. He has been elected to the Stanley Memorial Hospital and Treasurer of the Stanley County Democratic Party.

Rebecca L. Connelly is employed by a benefits actuarial and consulting firm with a specialty in employee benefits, taxation, corporate and business law. She has recently been named Vice-President and General Counsel of Booke & Co. and is attending the Executive Program in Management at the U.N.C. School of Business.

James K. Dorsett, III, of Raleigh, was married on July 14 to Boyd Wynns Gregory, also of Raleigh. James is the former Director of the Wake County Bar Association, 1983-84, and is the current Director of Wake-Up for Children, a Child Advocacy Organization. James is also a partner with Smith, Anderson, Blount, Dorsett, Mitchell and Jernigan, and is specializing in civil litigation, negligence and commercial law.

Janice S. Head has a general practice in Mount Olive, N.C. She was named to *Who's Who of American Women* in 1984-1985. On February 10, 1985, she married Donnell Edwin Kornegay, Jr.

James K. (Jim) Phillips joined the firm of Womble Carlyle Sandridge & Rice in Winston-Salem in July 1985. Previously, he served as assistant general counsel for Fieldcrest Mills, Inc.

Elaine R. Pope is currently the supervisor for all litigation involving the Holiday Inns, Inc. She is responsible for a full staff of attorneys, legal assistants, secretaries and clerks.

Steven G. Schwartz is a staff attorney in the contract compliance division at AT&T Informational Systems in Morristown, N.J.

Joseph E. Stroud, Jr. opened a sole general practice in Jacksonville, N.C. in September 1985. Daniel Joseph, his first child, was born on August 10, 1985.

J. David Walsh works in Daytona Beach, Florida with the firm of Cameron, Marriott, Walsh and Hodges. His practice is a civil trial practice specializing in personal injury and wrongful death. He and his wife recently adopted their second child, Cathleen Rose.

1978

Robert Marks Arnold practices corporate, commercial, and banking law with Smith, Anderson, Blount, Dorsett, Mitchell and Jernigan in Raleigh. His daughter, Sara Camp Arnold, was born on January 20, 1984.

Edna L. Bryan practices in Pinehurst, N.C. with the firm of Van Camp, Gill, Bryan, Webb and Thompson, P.A.

Randy Carroll is Assistant District Attorney for the 18th Judicial District and resides in Greensboro.

Lawrence J. Connell is a professor of law at Delaware Law School in Wilmington, Delaware. In addition to teaching, he is also directing the legal clinic.

Peter Ehrlich, Counsel for the Mountain Region, Wood Bros. Homes, Inc. of Denver, Col., announces that he and his wife are the parents of twin daughters born on December 26, 1983. The twins are named Brianne Lynne and Nina Christine.

Robert H. Friend is the President of Independence Financial Services, Inc., a comprehensive financial planning firm.

Jimmie R. Keel is a general practitioner in Tarboro, N.C. Jimmie is concentrating in the area of civil litigation. Married in 1981 to the former Willie Sherer Mizelle, Jimmie and his wife have one child, Joshua Llewellyn, born April, 1984.

Marva L. McKinnon, a former *Jurist* staff member, is in private practice in Statesville, N.C.

D. Michael Parker is a partner in the firm of Cheshire and Parker in Hillsborough, N.C. in the general practice of law. He also serves as the Director of Division IV of the N.C. Exchange Club and active in the United Methodist Church. His wife is expecting a child in November 1985.

Margaret L. Sharpe is associated with her husband Keith Y. Sharpe in a general practice in Winston-Salem. She is presently on the Board of Forsyth County Democratic Women and the Board of N.W. Legal Services Society.

Lex H. Veazey, engaged in general civil practice, concentrating in real estate, corporate law, and estates, in Hendersonville, N.C., has remarried as of December 1, 1984. Lex has a three year old daughter, Kristin, a five year old step-daughter, Ashley, and a child due November 1, 1985.

Robert C. Viar, Jr. has a general practice with an emphasis on litigation in Christiansburg, VA. He is a member of the Governor's Task Force for Drunk Driving for Montgomery County. Currently, he is Escheator for Montgomery County.

D.E. (Kim) Watson, Jr. is a general practice lawyer in Wilson, N.C. Watson is planning to open a new office to concentrate in estate planning. Also, Watson was an adjunct professor of business law at Atlantic Christian College in Wilson, N.C., 1980-83.

1979

Ann Heffelfinger Barnhill is a partner in the Greenville, N.C. firm of Williamson, Herin and Barnhill. She is involved as an elder in the formation of a new church, Peace Presbyterian Church (USA), in the Pitt County area. She is expecting a child around November 19, 1985.

Juanita G. "Nita" de Roos is corporate counsel for A.T.&T. Technologies, Inc., specializing in labor law. Ms. de Roos lives in Greensboro, N.C.

David and Elaine Guth of Washington, D.C., are both pursuing careers with the U.S. government. David works with the Patent and Trademark Office, Department of Commerce, while Elaine is with the Commercial Litigation Branch of the Department of Justice.

Thomas C. McGraw is working for the firm of Gibson, Dunn and Crutcher, based in Los Angeles. He is currently in the Dallas office focusing on commercial litigation.

Victor C. Mitchener is a member of the firm Downer, Walters & Mitchener in Charlotte. He is married to Roland Elliott Mitchener.

Eugene W. Muse is in a general small town practice in Tarboro, N.C. He is also counsel to Meals on Wheels as well as working with the Historic District Commission and Vice Chairman of the Edgecombe County Historical Society. He announces the recent birth of a son, Harrison Longworth Muse.

Catherine Miller Saller has a general practice in Stafford, VA. She emphasizes family law and bankruptcy. Her first child, Andrew Bruce Saller, was born on July 10, 1984.

Deborah M. Schwarz (formerly Deborah Glass) enforces National Labor Relations Board decisions in the U.S. Court of Appeals after serving as a NLRB attorney in Mahatten. On April 21, 1985, she married Washington photojournalist Ira Schwarz.

Ralph "Fritz" Tellefsen, III is a sole practitioner in Elmhurst, Illinois focusing in real estate, probate and trusts.

Robin Kenton Vinson is practicing in tort and business litigation for Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan in Raleigh, N.C.

1980

Carson Carmichael, III has just recently become a partner in the Raleigh firm of Dixon, Wooten, McDonald, Fountain and Walker as of October 1, 1985. Carson is involved in civil litigation; environmental, administrative, and utility law; and also legislative lobbying.

David R. Crawford is an associate with the law firm of White and Crumpler. He maintains primarily a trial practice involving criminal defense, personal injury and domestic work.

Bobby J. Crumley is Executive Vice President and General Manager of Employee Benefit Protective Services of N.C., Inc. in Asheboro, N.C. EBPS is an employee benefit consulting and administrative services firm specializing in health and flexible benefit plan administration.

William Hill Evans has a general practice in Marion, N.C. He is the attorney for the McDowell County Guardian Ad Litem Program. He and his wife expect their first child in February 1986.

J. Clark Fischer, Captain, U.S. Air Force is presently Assistant Staff Judge Advocate, Kadena Air Force Base, Japan. He was awarded the Air Force Commendation Medal in June 1985. After graduating first in his Air Force Judge Advocate Course he was Chief of Military Justice at the Air Force Academy. Prior to entering the Air Force, he practiced litigation for four years in North Carolina and Northern Virginia. Clark is married to Bambi Lynn Fischer and has four children.

Sally M. Fisker has been transferred to London, England on special assignment for development of an international contract administration department for Electronic Data Systems International. She has been named to *World Who's Who*, *Who's Who in America*, and *Two Thousand Notable Americans in 1980*.

Kim W. Gallimore is specializing in real property, commercial and banking law with the firm of Wyatt, Early, Harris, Wheeler & Hauser, High Point, N.C. Mr. Gallimore is the current chairperson of N.C. Bar Association's Young Lawyer's Division, Law & Aging Committee.

Peyton T. Hairston, Jr. practices with Ice Miller Donadio & Ryan in Indianapolis, Indiana. He represents management in labor relations matters. He recently wrote a chapter on a portion of the Labor-Management Relations Act for *West's Federal Practice Manual*. He has been selected as Commissioner of Softball for the 1987 Pan American Games to be held in Indianapolis.

Thomas S. Hicks is Assistant D.A. for the Thirteenth prosecutorial District in Elizabethtown, N.C. He married Carol Roberta Heaton on October 19, 1985.

Joel S. Jenkins, Jr. is a partner in the law firm of Nance, Collier, Herndon & Wheless in Fayetteville, N.C. with a specialty in areas of real estate, corp. estates and civil litigation. He is also Treasurer of the Cumberland County Bar Association. His wife is expecting their third child.

Samuel W. Lanham, Jr. is a partner in the Bangor, Maine firm of Cuddy & Lanham. He served as a law clerk to the Supreme Judicial Court of Maine in 1980-1981. He and his wife, Stephanie, have two small sons.

John W. Lassiter practices corporate, real estate and labor law as an attorney with Belk Stores Legal Department in Charlotte.

Steven A. Long is a sole practitioner in Crystal River, Florida. He served as assistant state attorney in 1982-1983.

Steven D. Maas practices in Youngstown, OH. His specialty is workers' compensation; he represents injured workers. He recently handled a case from trial to the Ohio Supreme Court which completely changed Ohio's workers' compensation law.

James E. McKinnon is a corporate counsel, specializing in environmental-regulatory law, for Reynolds Metals Co. in Richmond, VA.

Dale W. Magner is employed as a consultant for an actuarial and pension consulting business in Portland, Oregon. He has two children.

Harold T. Quinn, Jr., of Rockville, Md., is Assistant Solicitor for Litigation and Enforcement with the U.S. Department of the Interior. Mr. Quinn specializes in natural resources and environmental law.

Allan R. Tarleton practices in Asheville, N.C. He is engaged in trial and appellate practice, primarily insurance defense.

1981

Harold W. Beavers joined the Greensboro firm of Isaacson & Jacobson in February, 1985. It is a general civil practice with emphasis in litigation. He is the current president of the Young Lawyers Section of the Greensboro Bar Association. Mr. Beavers is also the Chairman for the Law Fund Campaign in Guilford County this year.

Joel Anderson Berly, III is with the Environmental and Occupational Disease Litigation Group of the torts branch of the U.S. Department of Justice. They predominantly handle all of the ongoing nationwide asbestos litigation in which the government is party.

Terri L. Gardner is an associate with the firm of Smith, Debanam, Mibbert & Pahl in Raleigh, N.C. specializing in bankruptcy. She will be married in April.

Timothy W. Gilbert practices in Charlotte with a fifteen man firm. His emphasis is real estate.

Michael Harford is the Director of Economic and Community Development in the city of Cambridge, Ohio. Mr. Harford and his wife are also the proud parents of a daughter Magdalene, born in July.

Anne A. Isaac is self employed in general practice in Greensboro, N.C. with an emphasis in criminal and domestic law. She was recently nominated for the 1985 Pro Bono Service Award. She has recently become a grandmother.

Lawrence P. Margolis is in sole general practice in Charlotte, N.C. He is the President-elect of Sharon Civitan Club, Charlotte, N.C. 1985-86.

Clive N. Morgan is engaged in general practice in Jacksonville, Florida.

Michael R. Nash is in general practice in Greensboro, N.C. His specialty areas include personal injury, criminal law, and bankruptcy. He has recently opened a new law office.

Kenneth W. Patterson is Assistant District Attorney for the First Judicial District in Elizabeth City, N.C. He is Chairman of the Pasquotank County Democratic Party.

Mike Pratt is practicing in Brevard, N.C. in litigation.

Julia Hines Turner is with Womble Carlyle Sandridge & Rice, Winston-Salem, N.C., and specializes in litigation. Ms. Turner was secretary of the Forsyth County Young Lawyer's Association, 1983-84.

Thomas P. Walk is a partner in the Tazewell, VA firm of Gillespie, Chambers, Altizer, Givens and Walk. He has been appointed as special justice for commitment hearings in the 29th Judicial Circuit of Virginia in courts not of record.

Robert L. Wilson, Jr. became a principal in the law firm of Hollowell & Silverstein, P.A. in Raleigh on August 1, 1985. His work is primarily concentrated in the area of health law, representing health care providers.

Steele B. Windle, III practices construction litigation and arbitration with the firm of Miller, Johnson, Taylor and Allison in Charlotte.

1982

Lucia Bacot is engaged in a general civil practice in Myrtle Beach, S.C. She was appointed to the Myrtle Beach Appearance Board in 1985.

Micah David Ball is presently a trust officer for First Citizens Bank in Kinston, N.C. working with estates and trust administration. Mr. Ball was recently married to Bessie Yvonne Ameen of Kinston.

Napoleon B. Barefoot, Jr. is currently the Assistant District Attorney for the 13th judicial district of North Carolina encompassing Brunswick, Bladen, and Columbus Counties. He also holds the position of President of the 2nd Judicial Bar Association.

Rebecca Jean Eugle Belew became associated with attorney Bruce K. Tyler in Afton, VA in November 1983. She specializes in domestic relations, bankruptcy, wills and real estate. Her first child was born on February 26, 1985.

Robert C. Ehrlich, Jr. works for the Baltimore, Maryland firm of Ober, Kaler, Grimes & Shriver specializing in maritime and toxic tort litigation defense. He is a candidate for the Maryland House of Delegates (election to be held September 1986).

C. Scott Hester practices commercial litigation, banking, real property and general business law in Orlando, Florida. His wife, Rhonda, is expecting their second child in May 1986.

Sherrie R. Hodges is presently in general practice specializing in criminal, domestic and real estate law. She is also a member of the Board of Directors Ashe County Youth Services. Her first child Holly Lynn, was born on December 8, 1984.

Marshall Hurley is the Legislative Director for Congressman Howard Coble in Washington, D.C.

Margaret A. Hurst is an Assistant District Attorney working on case evaluation, conferencing, supervision and training of new assistant district attorneys.

Laura Jean (Laurie) Kroeschell is a partner in the firm of Kirk, Gay and Kroeschell in Wendell, N.C. She specializes in real estate.

Jean Roberts Love is a captain in the United States Air Force. She is Chief of the Claims Division, office of the Staff Judge Advocate of Tinker Air Force Base in Oklahoma. On May 18, 1985, she married Dr. Gregory K. Love.

Charles M. Neaves, Jr. is a general practitioner in Elkin, N.C. He is married to Susan Templeton who graduated from Wake Forest in 1980.

Julie Montgomery O'Connor is in the tax department of Miles & Stockbridge in Baltimore, MD. She specializes in tax-exempt financing work.

Michael A. Sabiston of Troy, N.C., has recently opened office as sole practitioner for general practice in the former law office of S.H. McCall, Jr., deceased.

Noland W. Smith is engaged in general practice with an emphasis on real estate in Murphy, N.C. He is also presently serving as the Cherokee County School Board Attorney.

James A. Stockton is presently an associate with the firm of Nixon, Yow, Waller, and Capers in Augusta, Georgia. He is concentrating in the areas of tax and corporate law.

Elizabeth Neisler Sumner is in practice in Gastonia, N.C. specializing in estate planning and administration, bankruptcy, corporate, and real estate laws. She is also the Vice President of the Gaston County Young Lawyers Association.

H. Randolph Sumner is in practice in Gastonia, N.C. specializing in domestic relations, personal injury and general litigation. He is also president of the Shepards Way Drug Rehabilitation Center and a Deacon at the First Presbyterian Church of Gastonia.

Ryal W. Tayloe is associated with the law firm of Everett, Everett, Warren & Harper where he practices general law including representation of the Pitt County Department of Social Services and a good deal of real estate and criminal law in Greenville, N.C.

Earl Franklin Wall was recently promoted to Assistant Vice President of Integon Life Insurance Corp. and Associate General Counsel, Integon Mortgage Guaranty Corp. Mr. Wall is also pleased to announce the birth of son, Jason Barrett on July 29, 1985.

Joe Weinberger, Jr. is presently in general practice with the firm of Ramsey & Weinberger in Roxboro, N.C. They specialize in personal injury, civil litigation, social security, and workman's compensation.

1983

Marcia High Armstrong formed a partnership with her husband, Lamar Armstrong in July 1985. Their son, Lamar III, was born on August 15, 1985. They live and work in Smithfield, N.C.

R. Locke Bell is in general practice in Gastonia, N.C.

James H. (Chip) Burrus works with the Federal Bureau of Investigation in Midland, TX. His specialty is white collar crime.

Roger C. Crawford was admitted to the New York State Bar in September 1984. He is counsel/manager of American Title Insurance Co.

Neal W. Fischer is engaged in the practice of law in Charlotte, specializing in business and corporate law, taxation, and wills and estates. He is a member of the North Carolina Association of Certified Public Accountants.

Kimberly K. Going was married to Edward J. Booher, Jr. (J.D. 1982) on May 24, 1985.

William G. (Billy) Hamby is in the sole practice of law in Concord, N.C. He participates in many civic and political organizations including Cabarrus County Commissioner, the Piedmont Area Mental Health Board, and the Senior Citizens Advisory Committee.

Libby Lefler is a staff attorney for the N.C. General Assembly. She was named one of the top ten Outstanding Young Democrats of N.C. for 1985 and is currently the National Committeewoman for Young Democrats of N.C.

Kenneth C. Martin in November of 1984 opened up his own law firm with Charles William Grandy, also a W.F.U. 1983 grad. They specialize in domestic, personal injury and criminal law but also do general practice.

Blaine Merritt is a legislative assistant for Congressman Howard Coble in Washington, D.C.

Louis B. Meyer, III recently completed a two-year clerkship with U.S. Magistrate Alexander Denson of the U.S. District Court for the Eastern District of N.C. He is now an associate in the litigation section of Poyner, Geraghty, Hartsfield & Townsend in Raleigh, N.C.

D. Sigbee Miller is a staff attorney for the N.C. Department of Correction in Raleigh, N.C.

Victor H.E. Morgan, Jr. is an attorney in the Antitrust Division of the Attorney General's office in Raleigh, N.C. He and his wife, Karen, have a daughter, Kathryn Victoria, born August 24, 1985.

Carrie V. (Wentz) Vere Nicoll is a member of the firm of Morgan, Lewis & Bockius in their London office. She specializes in international corporate and tax law. She is also expecting her first child in January 1986.

Alexis C. Pearce is working in Washington, D.C. exclusively in criminal defense.

Donald E. "Don" Rumsey, Jr. has established a formal partnership in general practice with John F. Comer and Richard Hicks. Their firm, Comer, Rumsey & Hicks, is located in Greensboro, N.C.

1984

Cynthia Sechler Aiken is an associate with Allman, Spry, Humphreys and Armentrout, a Winston-Salem firm concentrating in real estate. She was married to E. Thomas Aiken, Jr. on April 13, 1985.

John Joseph (Jody) Carpenter works in the Charlotte office of Womble Carlyle Sandridge and Rice. He practices corporate, tax, commercial, and real estate law.

Christopher F. Correnti works for the Kingsport, TN firm of Moore, Stout, Waddell & Ledford. It is a general practice emphasizing real estate and litigation. He is membership director of the Kingsport Jaycees.

Nancy Stover Davenport is associated with Hedrick, Eatman, Gardner & Kincheloe in Charlotte, N.C. On May 26, 1985, she married Jim Davenport.

Craig T. Eliassen is in general practice specializing in litigation in Dover, Delaware. He has recently been elected President of the Delaware Federation of Democratic Clubs, Inc.

Wayne L. Evans is an associate with Katz, Kantor and Perkins in Bluefield, W. Va. specializing in gas, personal injury, and civil litigation. He has recently been elected to the Board of Directors of a local oil and gas development corporation.

Frances R. Fischbein specializes in tax with Touche Ross & Co., a CPA firm, in their Charlotte, N.C. office.

Steven Garfinkle is an associate in the firm of Alan S. Gordon, P.A. The firm specializes in areas of immigration and naturalization law.

John Mark Heavener is a research assistant for Chief Justice Joseph Branch. He will join the law office of John Lafferty in Fall of 1986.

Myron T. Hill, Jr. is currently an associate with the firm of Howard, Browning, Sams and Poole in Greenville, N.C. Myron is also the secretary for the Pitt County Bar Association.

Sarah Katherine Kelly married Thomas Francis Heslin on October 5, 1985 in Winston-Salem.

David A. Leland works in the corporate insurance market in Indianapolis, IN. His specialties are executive deferred compensation design and financial planning.

Mark McSweeney is a public defender in Clayton, Missouri.

Robert William Mills is presently an Assistant Public Defender in Aiken County, S.C.

G. David Nixon is in practice in Roanoke, Va. in general practice with an emphasis on civil litigation. He joined the firm of King, Fulghum, Kenick and Snead in October 1985. He is also serving as the President of Salem Jaycees.

J. Kemp Sherron, III is practicing law in Durham, N.C., specializing in real estate, commercial and corporate law. Mr. Sherron is also legal counsel for the Durham Jaycees.

George L. Wainwright, Jr. practices real property and business law with the High Point firm of Wyatt, Early, Harris, Wheeler and Hauser. His son was born on August 5, 1984.

David M. "Dink" Warren is law clerk to the Honorable Thomas M. Moore, U.S. Bankruptcy Court, Eastern District, North Carolina.

David B. Wilson is currently in practice in Salisbury, N.C. His work includes criminal, personal injury, worker's compensation, real estate, and domestic relations law.

1985

Anna E. Caldwell is working in the field of international law as well as estate planning and corporations. She is also licensed to practice law in West Germany. She also serves as assistant secretary for the Triad German Club.

David W. Daniel is practicing commercial real estate and bankruptcy law with Sanford, Adams, McCullough & Beard of Cary, N.C.

Sherry R. Dawson is an associate with Haywood, Denny, Miller, Johnson, Sessoms and Haywood of Durham, N.C. Sherry is presently engaged in general practice.

Charles T. Douglas is working in the sales department at Douglas Battery Manufacturing Company in Winston-Salem. He also serves as corporate counsel.

Andrea D. Edwards is now an associate with the firm of Corne, Pitts, Corne & Grant in Newton, N.C. Miss Edwards was formerly employed by the N.C. Department of Justice as a Police Information Network field representative.

Richard Tillman Fountain, III is an associate in the firm of Poyner, Geraghty, Hartford and Townsend in Raleigh specializing in real property law.

James R. Hundley is practicing civil litigation with Wyatt, Early, Harris, Wheeler & Hauser in High Point, N.C.

David G. Lerner is in the litigation section of the Dallas office of Jones, Day, Reavis and Pogue handling primarily business and corporate matters.

Charles Edward Lyons of Charlotte, N.C. is Assistant U.S. Attorney, Western District of North Carolina, Civil Division.

William W. Pepper has joined the Dover, DE firm of Schmittinger and Rodriguez. It is a seventeen-attorney general civil practice firm.

J. Coburn Powell has joined his father Walter H. Powell in the general practice of law in Whiteville, N.C. He and his wife are expecting their first child in late December.

Marjorie Anne Rowe is in general practice with Murchinson, Guthrie and Davis in Charlotte, N.C.

Curtis R. Sharpe, Jr. (Randy) is the newest associate in a small general practice in Hickory, N.C. His firm, Rudisill & Brackett, P.A., moved to new offices in November 1985.

James R. Sugg, Jr. is currently participating in a federal clerkship with United States Magistrate C.K. McCotten, Jr. in New Bern, N.C. It is a two year appointment.

Gregory Arthur Wendling works with Gemrich, Moser, Dombrowski, Bowser & Fette in Kalamazoo, MI. On October 5 he married Kathryn Frances Lucas of Winston-Salem.

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